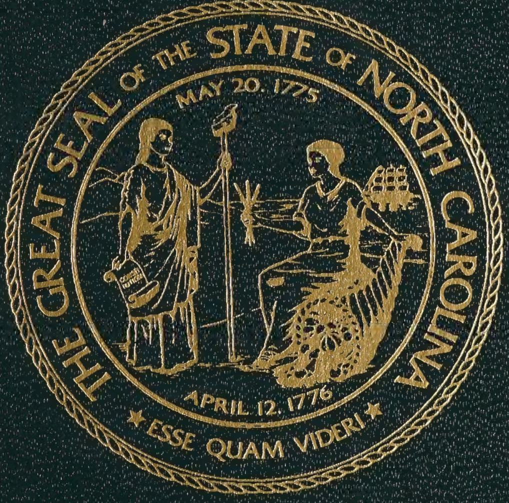
# GENERAL STATUTES OF NORTH CAROLINA

## ANNOTATED


THE GREAT SEAL OF THE STATE OF NORTH CAROLINA
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**2009**
Executive Agency Index
Short Title/Popular Name Index
GENERAL INDEX
J to Z

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# SUGGESTIONS FOR FAST, EFFECTIVE USE OF THE INDEX

1. PLEASE **READ THE FOREWORD** TO THE INDEX WHICH APPEARS IN THIS VOLUME.

2. STOP AND THINK ABOUT YOUR SUBJECT; TAKE A MOMENT TO **SELECT THE TERMS MOST DESCRIPTIVE OF YOUR RESEARCH SUBJECT.** IT HELPS TO SELECT THE PRINCIPAL SUBJECT RATHER THAN THE SECONDARY SUBJECT AND TO LOOK FOR NOUNS RATHER THAN ADJECTIVES.

3. IF YOU KNOW THE SHORT TITLE OR THE POPULAR NAME OF A STATUTE, YOU MAY CONSULT THE **SHORT TITLE/POPULAR NAME INDEX**, WHICH IMMEDIATE-LY PRECEDES THE GENERAL INDEX. ALSO PRECEDING THE GENERAL INDEX IS THE **EXECUTIVE AGENCY INDEX**, WHICH CONTAINS REFERENCES TO THE STATUTORY AND CONSTITUTIONAL PROVISIONS CREATING THE AGENCIES.

4. IF YOUR SEARCH DOES NOT LEAD YOU TO THE CODE SECTION SOUGHT, OR IF YOU HAVE QUESTIONS ABOUT OR SUGGESTIONS FOR THE INDEX, PLEASE FEEL WELCOME TO **CONTACT THE INDEXERS.** THE INDEXERS MAY BE REACHED DIRECTLY BY THE FOLLOWING METHODS: **TOLL-FREE INDEX HOTLINE, 1-800-897-7922,** BETWEEN 8:00 AM AND 4:30 PM, EASTERN TIME ZONE; **FAX NUMBER 1-434-972-7686; INTERNET E-MAIL** ADDRESSED TO **lng-cho-indexing@lexisnexis.com; POSTAGE-PAID CARDS** FOUND AT THE BACK OF THIS VOLUME.

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Raleigh

# GENERAL STATUTES OF NORTH CAROLINA

## ANNOTATED

## Volume 21

### 2009 INDEX

### J to Z

INDEX TO GENERAL LAWS OF NORTH CAROLINA
ENACTED BY THE GENERAL ASSEMBLY

*Prepared under the Supervision of*
The Department of Justice
of the State of North Carolina
*by*
*The Editorial Staff of the Publisher*

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# Foreword to the Indexes

**Purpose–**The purpose of this Foreword is to communicate to index users some of the characteristics of this particular index and also to provide insight into the way in which the Indexing staff tried to translate the years of contactwith index users into a useful, efficient, and easy-to-use index. You know how to use an index; this Foreword and the suggestions for using the index are offered to aid in the effective use of this particular index.

**Coverage–**Each section of the General Statutes of North Carolina through legislation enacted during the 2009 Session, and each provision of the Constitutions of North Carolina and the United States has been thoroughly examined and covered in the index. Also included in the index is coverage of court rules of the state courts; the text of these rules appears in the soft-bound "Annotated Rules of North Carolina."

**Special Indexes–**Also contained in this index, at the beginning of the first index volume, are an updated index of executive agencies, containing references to the statutory and constitutional provisions creating them, and an updated combined index of short titles and popular names of legislation.

**Citations–**Statutory provisions are referred to in the index by section number (e.g., §48-10-101), including when indicated, subsections (e.g., §20-141(h)). The constitutions are identified by abbreviations, a table of which follows this Foreword.

**Philosophy–**The index is a combination of two approaches to indexing, topical and descriptive word. LexisNexis® undertook this dual approach in order to provide index users with the advantages of each approach; the addition of thousands of descriptive main headings to a topical framework combines the access provided by the descriptive word approach and the organization and consistency of terminology provided by the topical approach. The result is a user-friendly and manageable index.

**Cross References–**Users sometimes question the necessity or desirability of cross references ("see" lines) in indexes. Cross references are used to keep indexes to a manageable size by reducing the amount of repetition of treatment under different headings. To make cross references even more useful and efficient, LexisNexis® has taken the following steps.

Double Jumps–"Double jump" cross references, which are cross references to other cross references, have been avoided.

Three Section Rule–Cross references have been used only to direct users to index entries covering three or more sections.

Group Section References–Group section references, which cite the user to the principal statutory treatment of a subject, have been attached to many of our cross references; this provides the user with the option to go immediately to the code for the cited material.

**Main headings–**Main headings were derived from the language of the General Statutes of North Carolina, from the phraseology commonly used in the courts of North Carolina and terminology commonly used in the legal profession. In addition, an effort was made to employ phrases commonly applied to General Statutes sections, such as frequently used nonlegal terms.

**Communication with the Indexers–**LexisNexis® solicits your help in keeping this index as useful as possible and asks that you inform us of any popular names that may have eluded us by returning the business reply cards found inside the back cover of each index volume. You may also use the cards to tell us of any errors we have made or improvements you think we should make. LexisNexis® also maintains a **toll-free index hotline (1-800-897-7922)** for use by those needing immediate help in locating a particular section or by those desiring to make comments or suggestions. Additionally, you may reach the Indexers by **fax (1-434-972-7686),** or by **Internet E-mail(lng-cho-indexing@lexisnexis.com).** All suggestions, questions or comments receive serious consideration. For non-index questions and comments or to place orders, Customer Service may be reached by **toll-free telephone number (1-800-833-9844),** or by **toll-free fax (1-800-828-8341).**

**Scope of Index**–The general index does not attempt to cover each topic in the vast field of law but refers only to those materials contained in the General Statutes. A thorough knowledge of the format and terminology of the General Statutes contributes to the efficient use of this index as a guide to subject matter.

**Suggestions**–LexisNexis® offers a few suggestions for efficient use of this index. Creating an index involves communicating with index users by anticipating where index users might look. It is hoped that these examples suggest to index users how the Indexers went about this process of anticipation and thus improve the communication between the Indexers and index users.

(1) *Gain familiarity with the contents of the General Statutes and the index.* Although it is not a predicate to using the index successfully, knowledge of the arrangement, terminology, topical treatment, analyses and reference system of both the General Statutes and the index is conducive to the efficient use of the index.

(2) *Consult the principal subject and not the secondary subject.* Thus, for motor vehicle registration, look under **MOTOR VEHICLE REGISTRATION** and not under **REGISTRATION;** for drivers' licenses, look under **DRIVERS' LICENSES** and not under **MOTOR VEHICLES;** for attorneys' fees, look under **ATTORNEYS' FEES** and not under **FEES.**

(3) *Search under commonly used phrases or terms of art.* Thus, for wrongful death, look under **WRONGFUL DEATH** and not under **DEATH;** for declaratory judgments, look under **DECLARATORY JUDGMENTS** and not under **JUDGMENTS.**

(4) *Look under specific areas of law and not under broad areas of law.* Thus, for life insurance, look under **LIFE INSURANCE** and not under **INSURANCE;** for nonprofit corporations, look under **NONPROFIT CORPORATIONS** and not under **CORPORATIONS.**

(5) *Consult the most pertinent subject.* Thus, for depositions, look under **DEPOSITIONS** and not under **EVIDENCE** or **TESTIMONY** or **WITNESSES;** for sales by executors and administrators, look under **EXECUTORS AND ADMINISTRATORS** and not under **WILLS** or **DESCENT AND DISTRIBUTION** or **INTESTATE SUCCESSION.**

(6) *Consult allied or related headings.* If your search under one heading is to no avail, try a related heading. Thus, if a search under the heading **PEACE OFFICERS** is fruitless, try **POLICE** or **HIGHWAY PATROL** or other related headings. Each section has itemized entries, but perhaps they appear under headings that may not have initially occurred to you.

trouble expressing your search topically, use descriptive words or phrases. Thus, if it does not occur to you to search under concealment of merchandise in mercantile establishments for the crime of concealing unpurchased merchandise, look under **SHOPLIFTING;** if you want the provisions covering a motor vehicle manufacturer's duty as to new automobiles that cannot be repaired after a reasonable number of attempts, the index provides the option of looking under **LEMON LAW;** if public safety telephone service does not come to mind, try **911 SYSTEM.**

(8) *Begin your search with "starting point" headings.* "Starting point" headings are collections of entries or cross references that can provide assistance in getting a search started by exposing the index user to a diverse sampling of statutory terminology, which could suggest to the user other headings to consult. Although there is no formal list of "starting point" headings, the following have proven to be useful for that purpose: **DEFINED TERMS** (entries for all defined terms); **PRISON TERMS** (entries for each offense that carries a prison term); **CRIMINAL LAW AND PROCEDURE** (direction to all criminal offenses); **MISDEMEANORS** (all misdemeanor offenses); **FELONIES** (all felony offenses); **FINES** (all offenses carrying a fine); **BOARDS AND COMMISSIONS** (lists of all boards and commissions).

(9) *Use cross references.* Pay close attention to and make full use of the index cross references. An index cross reference is a direction, using the word "See", to the index user to go to another part of the index to find treatment. There are two types of cross references, external and internal. External cross references direct index users to another main heading. Thus, "**AERONAUTICS. Aircraft.** See AIRCRAFT" directs the index user from the main heading **AERONAUTICS** to the main heading **AIRCRAFT.** Internal cross references direct index users from one subheading within a main heading to another subheading within that same main heading. Thus, under the main heading **MOTOR VEHICLE EQUIPMENT,** "**Seat belts.** See within this heading 'Safety belts.'" directs the index user from the subheading **Seat belts** to the subheading **Safety belts.**

(10) *Keep in touch.* Let LexisNexis® know how you like the index. Contact the Indexers directly as indicated above under **Communication with the Indexers** if you have questions about or suggestions for the index.

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# Table of Abbreviations

| | |
|---|---|
| AdmissPrac Rule | Rules Governing Admission to the Practice of Law |
| Amd | Amendment |
| AppProc Rule | North Carolina Rules of Appellate Procedure |
| Appx | Appendix |
| Arbitration Rule | Rules for Court-Ordered Arbitration in North Carolina |
| Art | Article |
| Bar Rule | Rules and Regulations of the North Carolina State Bar |
| CEA Rule | Canons of Ethics for Arbitrators |
| ChildhoodVaccine Rule | Rules of the Industrial Commission Relating to North Carolina Childhood Vaccine-Related Injury |
| CJE Rule | Rules of Continuing Judicial Education |
| CLE Reg | Regulations Governing Continuing Legal Education |
| CustodyVisit Rule | Custody and Visitation Mediation in North Carolina |
| DisputeRes Comm Rule | Rules for the Dispute Resolution Commission |
| FarmMediation Rule | Prelitigation Farm Nuisance Mediation Program |
| ICDeathBenefits Rule | Rules of the Industrial Commission Relating to the Law-Enforcement Officers', Firemen's, Rescue Squad Workers' and Civil Air Patrol Members' Death Benefits Act |
| ICManagedCare Rule | North Carolina Industrial Commission Rules for Managed Care Organizations |
| ICMediated Settlmt Rule | Mediated Settlement and Neutral Evaluation Conferences Rules of the North Carolina Industrial Commission |
| ICRehabProf Rule | North Carolina Industrial Commission Rules for Utilization of Rehabilitation Professionals in Workers' Compensation Claims |
| ICTortClaim Rule | Rules of the Industrial Commission Relating to Tort Claims |
| ICWorkComp Form | Workers' Compensation Rules of the North Carolina Industrial Commission Official Forms |
| ICWorkComp Rule | Workers' Compensation Rules of the North Carolina Industrial Commission |

| | |
|---|---|
| IDS Rule | Rules for Indigent Defense Services |
| IndigCounsel | Rules and Regulations Relating to the Appointment of Counsel for Indigent Defendants in Certain Criminal Cases |
| JudCond Canon | Code of Judicial Conduct |
| JudStdsComm Rule | Rules of the Judicial Standards Commission |
| JudStdsComm SupCtReview Rule | Rules for Supreme Court Review of Recommendations of the Judicial Standards Commission |
| MediationDistCrimCt Rule | Rules Implementing Mediation in Matters Pending in District Criminal Court |
| MLG Rule | Medico-Legal Guidelines |
| NC Const | Constitution of North Carolina |
| ProfCond Rule | Rules of Professional Conduct of the North Carolina State Bar |
| SettlmtEquitDistrib Rule | Rules Implementing Settlement Procedures in Equitable Distribution and Other Family Financial Cases |
| SPCM Rule | Standards of Professional Conduct for Mediators |
| SupCtLibrary Rule | North Carolina Supreme Court Library Rules |
| SuperCtMediatedSettlemt Rule | Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions |
| SuperCt Rule | General Rules of Practice for the Superior and District Courts |
| US Const | Constitution of the United States |
| Y2KMediation Rule | Rules of the North Carolina Supreme Court Implementing the Year 2000 Prelitigation Mediation Program |

**The court rules appear in the softbound "Annotated Rules of North Carolina." The constitutions appear in Volume 19.**

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    Failure to attend, §7A-38.1(g).
      Sanctions, SuperCtMediatedSettlemt Rule 5.
  Bias, prejudice, partiality.
    Disclosure by mediator, SuperCtMediatedSettlemt Rule 6(B).

**MEDIATED SETTLEMENT CONFERENCES** —Cont'd
**Court ordered conferences in superior court civil actions** —Cont'd
  Cases selected for conferences, §7A-38.1(e).
  Computation of time, SuperCtMediatedSettlemt Rule 15.
  Conduct occurring.
    Inadmissibility, exceptions, §7A-38.1(l).
  Conflict with scheduling, SuperCtMediatedSettlemt Rule 4(A).
  Control of conference.
    Mediator, SuperCtMediatedSettlemt Rule 6(A).
  Costs, §7A-38.1(k).
  Court defined, SuperCtMediatedSettlemt Rule 14.
  Deadline for completion, SuperCtMediatedSettlemt Rule 3(B).
    Extension, request, SuperCtMediatedSettlemt Rule 3(C).
    Order to state, SuperCtMediatedSettlemt Rule 3(B).
  Definitions, §7A-38.1(b), SuperCtMediatedSettlemt Rules 1, 14.
  Delaying other proceedings, SuperCtMediatedSettlemt Rule 3(E).
  Discovery.
    Negotiations not subject to, exceptions, §7A-38.1(l).
  Dispensing with settlement procedure.
    Motion, SuperCtMediatedSettlemt Rule 1(C).
  Dispute resolution commission, §7A-38.2(b) to (k).
  Duties of parties and participants, SuperCtMediatedSettlemt Rule 4.
  Duty to consult with clients and opposing counsel, SuperCtMediatedSettlemt Rule 1(B).
  Enforcement of agreement to resolve issues.
    Reduction to writing and signed by all parties.
      Required to enforce, §7A-38.1(l).
  Evidence.
    Negotiations not admissible, exceptions, §7A-38.1(l).
  Ex parte communications.
    Mediator and counsel, SuperCtMediatedSettlemt Rule 6(A).
  Family financial case defined, SuperCtMediatedSettlemt Rule 14.
  Fees.
    Certification of mediators and mediation training programs, §7A-38.2(d).
  Finalizing agreement, SuperCtMediatedSettlemt Rule 4(B).
  Generally, SuperCtMediatedSettlemt Rule 3.
  Governmental entities.
    Attendance, representation, SuperCtMediatedSettlemt Rule 4(A).
  Immunity of mediator and other neutrals, §7A-38.1(j).
  Impasse.
    Mediator declaring, SuperCtMediatedSettlemt Rule 6(B).
  Indigent cases.
    Compensation of mediator, SuperCtMediatedSettlemt Rule 7(D).
  Jury trials.
    Right to jury trial not affected, §7A-38.1(m).
  Local rules.
    Authorization to make, SuperCtMediatedSettlemt Rule 13.
    Authorizing other settlement procedures, SuperCtMediatedSettlemt Rule 10(B).

**MEDIATED SETTLEMENT CONFERENCES —Cont'd**
**Court ordered conferences in superior court civil actions** —Cont'd
  Local rules —Cont'd
    Initiating conference by, SuperCtMediatedSettlemt Rule 1(D).
  Mediators.
    Administration.
      Dispute resolution commission, §7A-38.2(b).
    Administrative fee, §7A-38.2(d).
    Agreement of parties.
      Selection, SuperCtMediatedSettlemt Rule 2(A).
    Appeals of final commission determination, §7A-38.2(k).
    Applications.
      Review by commission, §7A-38.2(i).
    Appointment by court, SuperCtMediatedSettlemt Rule 2(B).
    Authority, SuperCtMediatedSettlemt Rule 6(A).
    Certification, SuperCtMediatedSettlemt Rule 8.
    Compelling to testify or produce evidence concerning statements made and conduct.
      Prohibition, §7A-38.1(l).
    Compensation, SuperCtMediatedSettlemt Rule 7.
    Complaints.
      Review by commission, §7A-38.2(i).
    Confidentiality of information, identity of persons requesting advisory opinion, §7A-38.2(h).
    Decertification, SuperCtMediatedSettlemt Rule 8.
    Dispute resolution commission.
      Members, powers, duties, §7A-38.2(b) to (k).
    Disqualification, SuperCtMediatedSettlemt Rule 2(D).
    Duties, SuperCtMediatedSettlemt Rules 6, 6(B).
    Ethics or conduct.
      Review by commission, §7A-38.2(j).
    Fees.
      Failure to pay.
        Sanctions, SuperCtMediatedSettlemt Rule 7(G).
      Inability to pay, SuperCtMediatedSettlemt Rule 7(E).
      Mediator appointed by court, SuperCtMediatedSettlemt Rule 7(B).
      Mediator selected by agreement of parties, SuperCtMediatedSettlemt Rule 7(A).
      Payment, SuperCtMediatedSettlemt Rules 4(C), 7(D).
        Sanctions for failure to pay, SuperCtMediatedSettlemt Rule 7(G).
      Postponement fees, SuperCtMediatedSettlemt Rule 7(F).
      Substitution by parties of appointed mediator, SuperCtMediatedSettlemt Rule 7(C).
    Hearings, powers of commission, §7A-38.2(f).
    List, SuperCtMediatedSettlemt Rule 2(D).
    Non-certified mediator.
      Nomination and court approval, SuperCtMediatedSettlemt Rule 2(B).
    Qualifications, SuperCtMediatedSettlemt Rule 8.
    Reporting results, SuperCtMediatedSettlemt Rule 6(B).
    Report matter settled, SuperCtMediatedSettlemt Rule 4(B).

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**Court ordered conferences in superior court civil actions** —Cont'd
  Mediators —Cont'd
    Revocation of certification, SuperCtMediatedSettlemt Rule 8.
    Sanctions.
      Failure to pay mediator's fee, SuperCtMediatedSettlemt Rule 7(G).
    Selection, SuperCtMediatedSettlemt Rule 2.
    Special counsel.
      Employment by commission to assist in conducting hearings, §7A-38.2(e).
    Standards of conduct.
      Supreme court authorized to adopt, §7A-38.2(a).
    Subpoenas issued in name of commission.
      Power to issue, enforcement, §7A-38.2(f), (g).
    Substitution by parties of appointed mediator, SuperCtMediatedSettlemt Rule 7(C).
    Training and experience, SuperCtMediatedSettlemt Rule 8.
    Training programs.
      Certification, SuperCtMediatedSettlemt Rule 9.
  Motion for order to use other settlement procedure, SuperCtMediatedSettlemt Rule 1(C).
  Motion to dispense with settlement procedure, SuperCtMediatedSettlemt Rule 1(C).
  Negotiations, inadmissibility, exceptions, §7A-38.1(l).
  Ordering settlement procedures, SuperCtMediatedSettlemt Rule 1(C).
  Other settlement procedures.
    Attendance, SuperCtMediatedSettlemt Rule 10(C).
    Authorized procedures, SuperCtMediatedSettlemt Rule 10(B).
    Bias, prejudice, partiality.
      Disclosure by neutral, SuperCtMediatedSettlemt Rule 10(C).
    Deadline for completion, SuperCtMediatedSettlemt Rule 10(C).
      Extension, SuperCtMediatedSettlemt Rule 10(C).
    Duties of parties, SuperCtMediatedSettlemt Rule 10(C).
    Evidence of statements and conduct.
      Inadmissibility, SuperCtMediatedSettlemt Rule 10(C).
    Ex parte communications.
      Restriction, SuperCtMediatedSettlemt Rule 10(C).
    Finalizing agreement, SuperCtMediatedSettlemt Rule 10(C).
    General rules, SuperCtMediatedSettlemt Rule 10(C).
    Judicial settlement conference.
      Procedure authorized, SuperCtMediatedSettlemt Rule 10(B).
      Rules for, SuperCtMediatedSettlemt Rule 12.
    Local rules authorizing, SuperCtMediatedSettlemt Rule 10(B).
    Neutral evaluation.
      Authorized procedure, SuperCtMediatedSettlemt Rule 10(B).
      Rules for, SuperCtMediatedSettlemt Rule 11.
    Neutrals.
      Authority and duties, SuperCtMediatedSettlemt Rule 10(C).

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**Court ordered conferences in superior court civil actions** —Cont'd
Other settlement procedures —Cont'd
  Neutrals —Cont'd
    Compensation, SuperCtMediatedSettlemt Rule 10(C).
    Disqualification, SuperCtMediatedSettlemt Rule 10(C).
  Order authorizing, SuperCtMediatedSettlemt Rule 10(A).
  Other proceedings not delayed, SuperCtMediatedSettlemt Rule 10(C).
  Record not made, SuperCtMediatedSettlemt Rule 10(C).
  Reporting results, SuperCtMediatedSettlemt Rule 10(C).
  Time for conducting, SuperCtMediatedSettlemt Rule 10(C).
  Where conducted, SuperCtMediatedSettlemt Rule 10(C).
Party not natural person.
  Attendance, representation, SuperCtMediatedSettlemt Rule 4(A).
Postponement, SuperCtMediatedSettlemt Rule 7(F).
Private communications.
  Mediator, SuperCtMediatedSettlemt Rule 6(A).
Procedures other than mediated settlement conference.
  Authorizing, SuperCtMediatedSettlemt Rule 1(C).
Promotion of other settlement procedures, §7A-38.1(i).
Purpose of conferences, §7A-38.1(a), SuperCtMediatedSettlemt Rule 1(A).
Recesses, SuperCtMediatedSettlemt Rule 3(D).
Rules of procedure, §7A-38.1(c).
Sanctions.
  Failure to attend, §7A-38.1(g), SuperCtMediatedSettlemt Rule 5.
Scope of proceedings, SuperCtMediatedSettlemt Rule 1(C).
Selection of mediator, §7A-38.1(h).
Service of papers, time, SuperCtMediatedSettlemt Rule 15.
Statements made.
  Inadmissibility, exceptions, §7A-38.1(l).
Statewide implementation, §7A-38.1(d).
Summary memorandum.
  Agreement reached not in writing or acknowledge, SuperCtMediatedSettlemt Rule 4(B).
Time limits, SuperCtMediatedSettlemt Rule 15.
Training programs, SuperCtMediatedSettlemt Rule 9.
Waiver or extension of time limits, SuperCtMediatedSettlemt Rule 15.
When held, SuperCtMediatedSettlemt Rule 3(B).
Where held, SuperCtMediatedSettlemt Rule 3(A).
**District court actions.**
Costs, §7A-38.4A(i).
Criminal cases.
  Agreements reached to be in writing, §7A-38.3D(l).
  Authority of mediator, §7A-38.3D(e).
  Community mediation center, §7A-38.3D(c).
  Confidentiality of work products, §7A-38.3D(i).
  Definitions, §7A-38.3D(n).

**MEDIATED SETTLEMENT CONFERENCES —Cont'd**
**District court actions** —Cont'd
Criminal cases —Cont'd
  Delay of prosecution pending mediation, §7A-38.3D(b).
  Dismissal of case, fee, §7A-38.3D(m).
  Enabling authority, §7A-38.3D(b).
  Immunity of mediator, §7A-38.3D(h).
  Inadmissibility of negotiations, §7A-38.3D(j).
  Oversight, §7A-38.3D(g).
  Purpose of provisions, §7A-38.3D(a).
  Qualification of mediator, §7A-38.3D(f).
  Rules of procedure, §7A-38.3D(d).
  Testimony of mediator or neutral witness, §7A-38.3D(k).
Equitable distribution, §7A-38.4A.
Sanctions.
  Failure to attend, §7A-38.4A(e).
**Equitable distribution and other family financial cases.**
Attendance.
  Duty to attend, SettlmtEquitDistrib Rule 4(A).
  Sanction for failure to attend, SettlmtEquitDistrib Rule 5.
Authority of mediator, SettlmtEquitDistrib Rule 6(A).
Certification of mediator, SettlmtEquitDistrib Rule 8.
  Training programs, SettlmtEquitDistrib Rule 9.
Compensation of mediator.
  Agreement of parties, SettlmtEquitDistrib Rule 7(A).
  Court order, SettlmtEquitDistrib Rule 7(B).
  Payment, SettlmtEquitDistrib Rules 4(C), 7(C).
    Inability to pay, SettlmtEquitDistrib Rule 7(D).
    Sanctions for failure to pay, SettlmtEquitDistrib Rule 7(F).
Consultation with clients and opposing counsel.
  Duty of counsel, SettlmtEquitDistrib Rule 1(B).
Deadline for completing conference.
  Extension, request, SettlmtEquitDistrib Rule 3(C).
Definitions, SettlmtEquitDistrib Rule 14.
Disqualification of mediator, SettlmtEquitDistrib Rule 2(D).
Duties of mediator, SettlmtEquitDistrib Rule 6(B).
Finalizing agreement, SettlmtEquitDistrib Rule 4(B).
Judicial settlement conference.
  Confidentiality, SettlmtEquitDistrib Rule 12(C).
  Discretion of judge.
    Form and manner of conducting, SettlmtEquitDistrib Rule 12(B).
  Report, SettlmtEquitDistrib Rule 12(D).
  Selection of judge, SettlmtEquitDistrib Rule 12(A).
Local rules, SettlmtEquitDistrib Rule 13.
Motion to dispense with settlement, SettlmtEquitDistrib Rule 1(C).
Neutral evaluation.
  Assistance to parties by evaluator, SettlmtEquitDistrib Rule 11(H).
  Evaluator's duties, SettlmtEquitDistrib Rule 11(G).
  Nature, SettlmtEquitDistrib Rule 11(A).
  Pre-conference submission, SettlmtEquitDistrib Rule 11(C), (D).
  Procedure, SettlmtEquitDistrib Rule 11(E), (F).

**MEDIATED SETTLEMENT CONFERENCES —Cont'd**

- **Equitable distribution and other family financial cases —Cont'd**
  - Neutral evaluation —Cont'd
    - When conference held, SettlmtEquitDistrib Rule 11(B).
  - Ordering settlement procedures, SettlmtEquitDistrib Rule 1(C).
  - Other proceedings not delayed, SettlmtEquitDistrib Rule 3(E).
  - Other settlement procedures.
    - General rules, SettlmtEquitDistrib Rule 10(C).
    - Judicial settlement conference, SettlmtEquitDistrib Rule 12.
    - Neutral evaluation, SettlmtEquitDistrib Rule 11.
    - Order authorizing, SettlmtEquitDistrib Rule 10(A).
    - Procedures authorized, SettlmtEquitDistrib Rule 10(B).
  - Procedures other than mediated conference.
    - Authorized, SettlmtEquitDistrib Rule 1(C).
  - Postponement of conference, fee, SettlmtEquitDistrib Rule 7(E).
  - Purpose of mandatory settlement procedures, SettlmtEquitDistrib Rule 1(A).
  - Recesses, SettlmtEquitDistrib Rule 3(D).
  - Scheduling conference, SettlmtEquitDistrib Rule 1(C).
  - Scope of proceedings, SettlmtEquitDistrib Rule 1(C).
  - Selection of certified family financial mediator.
    - Agreement of parties, SettlmtEquitDistrib Rule 2(A).
    - Court appointment, SettlmtEquitDistrib Rule 2(B).
    - Information directory, SettlmtEquitDistrib Rule 2(C).
  - Time limits.
    - Waiver, extension, computation, SettlmtEquitDistrib Rule 15.
  - When conference held, SettlmtEquitDistrib Rule 3(B).
  - Where conference held, SettlmtEquitDistrib Rule 3(A).
- **Industrial commission,** ICMediatedSettlmt Rules 1 to 12.
  - See INDUSTRIAL COMMISSION.
- **Superior court civil actions.**
  - Clerks.
    - Ordering mediation in matters within clerks' jurisdiction, §7A-38.3B.
      - Rules implementing, MediationSuperCtClerk Rules 1 to 12.
        - See MEDIATION.
  - Court ordered conferences. See within this heading, "Court ordered conferences in superior court civil actions."
- **Support and maintenance.**
  - District court actions.
    - Mediated settlement conferences or other settlement procedures, §7A-38.4A.

**MEDIATION.**

- **Abused, neglected or dependent juveniles.**
  - Permanency mediation program, §7B-202.
- **Arbitration.**
  - Generally.
    - See ARBITRATION.

**MEDIATION —Cont'd**

- **Arbitration —Cont'd**
  - Revised uniform arbitration act, §§1-569.1 to 1-569.31.
    - See ARBITRATION.
- **Attorneys at law.**
  - Former mediators.
    - Conflict of interest, ProfCond Rule 1.12.
  - Lawyers serving as third-party neutrals, ProfCond Rule 2.4.
- **Basic education program.**
  - Conflict resolution and mediation models, §115C-81(a4).
- **Charter schools.**
  - Differences between charter school and state board, §115C-238.29G(c).
- **Child abuse, neglect and dependency.**
  - Permanency mediation program, §7B-202.
- **Child custody.**
  - Action or proceeding for custody or visitation, §50-13.1(b).
    - Agreements.
      - Effect of reference as parenting agreement, §50-13.1(h).
      - Requirements, §50-13.1(g).
    - Competency to testify to communications, §50-13.1(f).
    - Confidentiality, §50-13.1(e).
    - Dismissal, §50-13.1(d).
    - Orders.
      - Incorporation of agreements, §50-13.1(g).
      - Parenting agreement deemed order, §50-13.1(h).
    - Prejudice.
      - Dismissal, §50-13.1(e).
    - Privileged communications.
      - Communications with mediator, §50-13.1(e).
    - Purposes, §50-13.1(b).
    - Waiver of mandatory setting.
      - Good cause, §50-13.1(c).
  - Custody and visitation mediation program, §§7A-494, 7A-495.
    - Advisory committee.
      - Established, §7A-495(b).
    - Contracts.
      - Exemption from competitive bidding requirements, §7A-494(b).
    - Established.
      - Administrative office of courts to establish, §7A-494(a).
    - Local district programs.
      - Establishment, §7A-494(b).
      - Implementation and administration, §7A-495(a).
    - Purposes, §7A-494(a).
    - Qualifications to provide mediation services, §7A-494(c).
    - Staff support, §7A-494(a).
  - Rules for custody and visitation mediation, CustodyVisit Rules 1 to 12.11.
    - See CHILD CUSTODY.
  - Stay of action when child is subject of certain other proceedings, §50-13.1(i).
- **Clerks of superior courts.**
  - Ordering mediation in matters within clerks' jurisdiction.
    - Agreement of parties.
      - Selection of mediator, MediationSuperCtClerk Rule 2.A.
        - Compensation, MediationSuperCtClerk Rule 7.A.

**MEDIATION** —Cont'd

**Clerks of superior courts** —Cont'd

- Ordering mediation in matters within clerks' jurisdiction —Cont'd
  - Agreement reached.
    - Finalizing agreement, MediationSuperCtClerk Rule 4.B.
    - Treatment, §7A-38.3B(i).
  - Appointment of mediator by clerk, MediationSuperCtClerk Rule 2.B.
    - Compensation, MediationSuperCtClerk Rule 7.B.
      - Mediator substituted by parties, MediationSuperCtClerk Rule 7.D.
  - Attendance, MediationSuperCtClerk Rule 4.A.
    - Sanctions for failure to attend, MediationSuperCtClerk Rule 5.
  - Authority to order, §7A-38.3B(b).
  - Bias, prejudice, partiality.
    - Disclosure by mediator, MediationSuperCtClerk Rule 6.B.
  - Computation of time, MediationSuperCtClerk Rule 12.
  - Consultation with clients and opposing counsel.
    - Duty of counsel, MediationSuperCtClerk Rule 1.B.
  - Costs, §7A-38.3B(f).
  - Date and time.
    - Mediator to set, MediationSuperCtClerk Rule 3.B.
  - Deadline for completion.
    - Extension, request, MediationSuperCtClerk Rule 3.C.
    - Order to state, MediationSuperCtClerk Rule 3.B.
  - Definitions, MediationSuperCtClerk Rule 11.
  - Dispensing with mediation.
    - Motion, MediationSuperCtClerk Rule 1.C.
  - Estate matters.
    - Selection of mediators certified for, MediationSuperCtClerk Rules 2.A, 2.B.
  - Exceptions to authority to order, §7A-38.3B(b).
  - Excusing or modifying attendance requirement, MediationSuperCtClerk Rule 4.A.
  - Extension of time limits, MediationSuperCtClerk Rule 12.
  - Fiduciaries.
    - Ordering to attend, §7A-38.3B(c).
  - Finalizing agreement, MediationSuperCtClerk Rule 4.B.
  - Guardianship matters.
    - Selection of mediators certified for, MediationSuperCtClerk Rules 2.A, 2.B.
  - Impasse, declaring, MediationSuperCtClerk Rule 6.B.
  - Indigency cases.
    - Payment of mediator's fee, MediationSuperCtClerk Rule 7.E.
  - Location for holding mediation, MediationSuperCtClerk Rule 3.A.
  - Mediator.
    - Authority, MediationSuperCtClerk Rule 6.A.
    - Certification, MediationSuperCtClerk Rule 8.
    - Compelling testimony or production of evidence.
      - Prohibition, exceptions, §7A-38.3B(h).
    - Compensation.
      - Payment, MediationSuperCtClerk Rule 7.G.
    - Decertification, MediationSuperCtClerk Rule 8.

**MEDIATION** —Cont'd

**Clerks of superior courts** —Cont'd

- Ordering mediation in matters within clerks' jurisdiction —Cont'd
  - Mediator —Cont'd
    - Disqualification, MediationSuperCtClerk Rule 2.D.
    - Duties, MediationSuperCtClerk Rule 6.B.
    - Fee.
      - Compensation generally, MediationSuperCtClerk Rule 7.
      - Payment, MediationSuperCtClerk Rules 4.C, 7.C.
    - Immunity, §7A-38.3B(e).
    - Information directory, MediationSuperCtClerk Rule 2.C.
    - Revocation of certification, MediationSuperCtClerk Rule 8.
    - Selection, §7A-38.3B(d), MediationSuperCtClerk Rule 2.
      - Substitution for appointed mediator, MediationSuperCtClerk Rule 7.D.
    - Training programs.
      - Certification, MediationSuperCtClerk Rule 9.
  - Motion for order, MediationSuperCtClerk Rule 1.C.
  - Named parties.
    - Ordering to attend, §7A-38.3B(c).
  - Nonparty participants.
    - Ordering to attend, §7A-38.3B(c).
  - Notice of selection of mediator, MediationSuperCtClerk Rule 2.A.
  - Order of clerk, MediationSuperCtClerk Rule 1.C.
  - Other proceedings not delayed, MediationSuperCtClerk Rule 3.E.
  - Persons who may be ordered to attend, §7A-38.3B(c).
    - Sanctions, failure to attend, §7A-38.3B(j).
  - Postponements, MediationSuperCtClerk Rule 7.F.
  - Purpose, §7A-38.3B(a).
    - Rules of court, MediationSuperCtClerk Rule 1.A.
  - Recess of mediation, MediationSuperCtClerk Rule 3.D.
  - Reporting results.
    - Duty of mediator, MediationSuperCtClerk Rule 6.B.
  - Sanctions, §7A-38.3B(j).
  - Service of papers, MediationSuperCtClerk Rule 12.
  - Statements or conduct occurring during mediation.
    - Inadmissibility, discovery restrictions, exceptions, §7A-38.3B(g).
  - Supplementing procedural details, §7A-38.3B(k), MediationSuperCtClerk Rule 10.
  - Telephone or teleconference.
    - Attendance by, MediationSuperCtClerk Rule 4.A.
  - Waiver of time limits, MediationSuperCtClerk Rule 12.

**Collaborative law proceedings.**

- Alternative dispute resolution permitted, §50-78.

**Community mediation centers.**

- Dispute resolution fee for cases resolved in mediation, §7A-38.7.
- Evidence of statements made during negotiations not discoverable or admissible, §8-110(a).
- Mediator not compelled to testify in civil or criminal proceeding, §8-110(b), (c).

**MEDIATION** —Cont'd
**Community mediation centers** —Cont'd
  Public interest to encourage establishment, §7A-38.5(a).
  Referrals from courts, law enforcement agencies and other public agencies, §7A-38.5(b).
  Reports on centers, §7A-38.6.
**Confidentiality of information.**
  Standards of professional conduct for mediators, SPCM Rule 3.
**Conflicts of interest.**
  Standards of professional conduct for mediators, SPCM Rule 7.
**Contracts.**
  Custody and visitation mediation program.
    Exemption from competitive bidding requirements, §7A-494(b).
**Court-ordered conferences in superior court civil actions.**
  See MEDIATED SETTLEMENT CONFERENCES.
**Dispute resolution commission.**
  Court ordered mediated settlement conferences in superior court civil actions.
    Regulation of mediators and other neutrals, §7A-38.2(b) to (k).
  Rules.
    Budget of commission, DisputeResComm Rule V.
    Chair.
      Appointment, term, DisputeResComm Rule I.
    Committees, DisputeResComm Rule I.
      Matters requiring immediate action.
        Referral to executive committee, DisputeResComm Rule IV.
    Complaints against mediator.
      Commission decision, DisputeResComm Rule IX.
      Dismissal, DisputeResComm Rule VIII.
      Final action.
        Reserved for commission, DisputeResComm Rule IX.
      Form approved by commission, DisputeResComm Rule VIII.
      Frivolous complaints.
        Assessment of costs, DisputeResComm Rule VIII.
      Hearings, DisputeResComm Rule VIII.
      Initiation.
        Commission or citizen, DisputeResComm Rule VIII.
      Notice to commission by mediator, DisputeResComm Rule VII.
      Panel decision, DisputeResComm Rule VIII.
      Preliminary inquiry, DisputeResComm Rule VIII.
      Response, DisputeResComm Rule VIII.
      Review by panel of commission, DisputeResComm Rule VIII.
      Writing required, DisputeResComm Rule VIII.
    Conflicts of interest, DisputeResComm Rule III.
    Disciplinary action against mediator, DisputeResComm Rules IX, VIII.
      Notice to commission by mediator, DisputeResComm Rule VII.
    Dismissal of complaint, DisputeResComm Rule VIII.
    Disqualification of commission member, DisputeResComm Rule III.

**MEDIATION** —Cont'd
**Dispute resolution commission** —Cont'd
  Rules —Cont'd
    Duties of commission, DisputeResComm Rule VI.
    Executive committee.
      Referral of matters to.
        Matters requiring immediate action, DisputeResComm Rule IV.
    Frivolous complaints.
      Assessment of costs, DisputeResComm Rule VIII.
    Hearings.
      Complaints against mediators, DisputeResComm Rule VIII.
    Immediate action.
      Matters requiring.
        Referral to executive committee, DisputeResComm Rule IV.
    Internal operating procedures, DisputeResComm Rule X.
    Meetings, DisputeResComm Rule IV.
    Notice.
      Hearings on complaints against mediators, DisputeResComm Rule VIII.
    Office of commission, DisputeResComm Rule II.
    Officers of commission, DisputeResComm Rule I.
    Powers of commission, DisputeResComm Rule VI.
    Professional conduct, standards for.
      Mediators, trainers and managers of training programs, DisputeResComm Rule VII.
    Public meetings, DisputeResComm Rule IV.
    Quorum, DisputeResComm Rule IV.
    Recusal.
      Conflict of interest, DisputeResComm Rule III.
    Secretary/treasurer.
      Election by commission, term, DisputeResComm Rule I.
    Service of complaint, DisputeResComm Rule VIII.
    Staff, DisputeResComm Rule II.
    Standards of professional conduct.
      Mediators, trainers and managers of training programs, DisputeResComm Rule VII.
    Vacancies on commission, DisputeResComm Rule III.
    Vice-chair.
      Election by commission, term, DisputeResComm Rule I.
**District court civil action.**
  Judge to encourage, §7A-38.5(d).
**District court criminal actions.**
  Judge and district attorney to encourage, §7A-38.5(c).
**Education.**
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**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

**Clients** —Cont'd
- Escape —Cont'd
  - Discharge of clients who escape or breach conditions of release, §122C-205.1(a), (b), (d).
    - Notice, §122C-205.1(c).
  - Notice of discharge of clients who escape or breach conditions of release, §122C-205.1(c).
  - Notice of escape or breach of conditional release, §122C-205(d).
  - Return of clients to treatment facilities, §122C-205(a) to (c).
- Involuntary commitment. See within this heading, "Involuntary commitment."
- Nonresidents.
  - Involuntary commitment, §122C-343.
  - Return to his resident state, §122C-345(a) to (c).
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  - Determination, §122C-341.
  - Time under care and treatment not to affect residency, §122C-348(a), (b).
- Rights of clients, §§122C-51 to 122C-67. See within this heading, "Rights of clients."
- Surgical operations.
  - Juveniles in juvenile facilities, §143B-526.
  - Procedure when necessary, §148-22.2.
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  - Interstate compact on mental health, §122C-365.
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- Voluntary admissions. See within this heading, "Voluntary admissions."

**Commercial code.**
- Bank deposits and collections.
  - Incompetence of customer.
    - Authority of payor or collecting bank, §25-4-405(a), (b).
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**Commission for mental health, developmental disabilities and substance abuse services.**
- Applicability of provisions, §143B-148(b).
- Appointments, §143B-148(a).
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- Chairman, §143B-149.
- Clerical services, §143B-148(e).
- Compensation, §143B-148(c).
- Creation, §143B-147(a).
- Duties generally, §§122C-114, 122C-114(a), 143B-147(a).
- Enforcement of rules and regulations.
  - Duty of department of health and human services, §143B-147(d).
- Expenses of members, §143B-148(c).
- Facilities licensing.
  - Powers of commission, §122C-26.
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  - Commission members who are members of general assembly, §143B-148(c).
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  - Regular and special meetings, §143B-150.

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

- **Commission for mental health, developmental disabilities and substance abuse services** —Cont'd
  - Members, §143B-148(a).
    - Expenses, §143B-148(c).
  - Officers, §143B-149.
  - Powers generally, §§122C-114, 143B-147(a).
  - Quorum, §143B-148(d).
  - Rulemaking authority, §122C-114(b).
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    - Adoption by commission, §143B-147(b).
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  - Special meetings, §143B-150.
  - Terms, §143B-148(a).
  - Vice-chairman, §143B-149.
- **Complaint hotline number.**
  - Posting by residential treatment facilities, §122C-25(d).
- **Concealed handgun permit.**
  - Carrying concealed handgun while consuming alcohol or controlled substances prohibited, §14-415.11(c).
  - Disclosure of records regarding mental health and capacity, §14-415.14(c).
  - Eligibility upon restoration of rights, §14-415.12(c).
  - Grounds for denial of permit, §14-415.12(b).
  - Release of records concerning mental health submitted with application, §14-415.13(a).
  - Restoration process to remove bar due to mental commitment, §122C-54.1.
- **Conditions of facility detrimental to health or safety of clients.**
  - Suspension of new admissions to licensed facility, §122C-23(g).
- **Confidentiality.**
  - Area authorities.
    - Personnel records, privacy, §122C-158(a) to (h).
  - Client's right to, §§122C-52 to 122C-56.
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    - Adherence to laws concerning prohibited disclosures, §122C-31(e).
  - Quality assurance activities.
    - Review and protection of information, §122C-192(a) to (d).
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    - Review and protection of information, §122C-192(a) to (d).
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    - Quality assurance activities.
      - Review and protection of information, §122C-192(a) to (d).
- **Consolidated human services agencies, boards and directors.**
  - Boards.
    - Powers and duties, §122C-127(a).
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- **Construction of psychiatric hospitals.**
  - Review of projects and plans.
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**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

- **Consumer advocacy program,** §§122C-10 to 122C-20.
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    - Mediation, conciliation or persuasion.
      - Attempt to resolve by, §122C-16(a).
    - Participation of consumer, §122C-16(b).
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  - Confidentiality of information, §122C-17(a), (c).
  - Consumer advocates.
    - Communications with residents, clients and patients, §122C-15(c).
    - Complaint resolution, §122C-16(a) to (d).
    - Confidentiality of information, §122C-17.
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    - Local consumer advocate, §122C-14.
    - Records, review by, §122C-15(d).
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    - Right of entry, §122C-15(b).
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    - Willful interference with, penalty, §122C-20.
  - Definitions, §§122C-11, 122C-15(a).
  - Establishment of local programs, §122C-14(a).
  - Establishment of state program, §122C-12.
  - Immunity from liability.
    - Consumer advocates, §122C-19(a).
    - Facilities, employees or other persons interviewed by consumer advocate, §122C-19(b).
  - Legislative declaration, §122C-10.
  - Local consumer advocate.
    - Appointment, §122C-14(a).
    - Duties, §122C-14(b).
  - Retaliation for providing information to consumer advocates prohibited, §122C-18.
  - State consumer advocate.
    - Appointment, §122C-12.
    - Duties, §122C-13.
    - Reports, §122C-13.
  - Willful interference with consumer advocate.
    - Penalty, §122C-20.
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  - Local committees.
    - Agreement with authority or county, §122C-170(a).
    - Bylaws, adoption, §122C-170(a).
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    - Disability groups equally represented, §122C-170(b).
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    - Establishment.
      - Required of area authority and county programs, §122C-170(a).
    - Self-governing and self-directed organization, §122C-170(a).
    - Staff, §122C-170(d).
    - Terms, §122C-170(b).
  - State committee.
    - Appointment of members, §122C-171(b).
    - Composition, §122C-171(b).
    - Duties, §122C-171(c).
    - Established, §122C-171(a).
    - Per diem and expense allowance, §122C-171(e).
    - Staff, §122C-171(d).
    - Terms, §122C-171(b).

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd
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Discharge of client in need of continuing care.
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**Costs paid by persons admitted to department of health and human services institutions,** §§143-117 to 143-127.1.
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**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd
**Counties** —Cont'd
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Death sentence prohibited.
Mentally retarded defendants, §15A-2005(b).
Burden of proof on defendant, §15A-2005(a), (c), (f).
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Defense of insanity.
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Dismissal of charges, §15A-1008.
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Dismissal with leave, §15A-1009(a) to (f).

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

- **Criminal procedure** —Cont'd
  - Incapacity of defendant to proceed —Cont'd
    - Hearings.
      - Court's own determination, §15A-1007(b).
      - Dismissal of charges, §15A-1007(c).
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      - Exception as to motions which can be handled by counsel without assistance of defendant, §15A-1001(b).
    - Orders for safeguarding defendant, §15A-1004(a) to (c).
      - Amendment or supplementation, §15A-1004(f).
      - Reports to court, §15A-1004(d).
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    - Return of defendant for trial upon gaining capacity, §§15A-1004(e), 15A-1006.
    - Temporary confinement of defendant, §15A-1002(c).
  - Not guilty by reason of insanity.
    - Civil commitment of defendant, §15A-1321(a), (b).
    - Temporary restraint of defendant, §15A-1322.
    - Verdicts to so state, §15A-1237(c).
  - Witnesses with developmental disabilities or mental retardation.
    - Remote testimony, §15A-1225.2.
- **Criminal records checks.**
  - Personnel of area authorities, §114-19.3.
- **Custodial trusts.**
  - Determination on incapacity of beneficiary, §33B-10.
  - Generally, §§33B-1 to 33B-22.
    - See CUSTODIAL TRUSTS.
- **Custody.**
  - Persons incapable of self-support upon reaching majority.
    - Rights same as minor child for custody purposes, §50-13.8.
- **Death of client,** §122C-31.
  - Compliance with provisions, §122C-31(i).
  - Confidentiality, privilege or other disclosure prohibitions, adherence to, §122C-31(e).
  - Inpatient psychiatric unit, §122C-31(d).
  - Investigation, §122C-31(b), (c).
  - Medical examiner, reporting to, §122C-31(g).
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  - Public information in reports, §122C-31(h).
  - Reporting format, §122C-31(f).
  - State advocacy agency, reporting to, §122C-31(g).
- **Death sentence.**
  - Mentally retarded defendants.
    - Prohibited, §15A-2005(b).
      - Burden of proof on defendant, §15A-2005(a), (c), (f).
      - Definitions, §15A-2005(a).
      - Jury determination of aggravating or mitigating circumstance.
        - Consideration of evidence of retardation, §15A-2005(g).

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

- **Death sentence** —Cont'd
  - Mentally retarded defendants —Cont'd
    - Prohibited —Cont'd
      - Legal defenses not precluded by pretrial determination, §15A-2005(d).
      - Noncapital case, court declaration, §15A-2005(c).
      - Other sentence not precluded, §15A-2005(h).
      - Pretrial hearing to determine retardation, §15A-2005(c).
      - Special issue submitted to jury.
        - Pretrial determination of retardation not found, §15A-2005(e).
- **Defense of insanity,** §15A-959.
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  - "Client or his legally responsible person,"§122C-4.
  - Council, §143B-178.
  - Type A violation, §122C-24.1(a).
  - Type B violation, §122C-24.1(a).
- **Delinquent and undisciplined juveniles.**
  - Psychiatric, psychological or other evaluation or treatment.
    - Court ordering examination, §7B-2502(a).
    - Direct parental involvement in evaluation or treatment, §7B-2702(b).
    - Hearing to determine, §7B-2502(b).
    - Parent ordered to pay costs, §7B-2702(a), (b), (d).
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- **Department of health and human services.**
  - Facilities licenses.
    - Powers of secretary of department, §122C-27.
  - Funds.
    - Application of funds belonging to facilities, §122C-185.
  - Psychiatric hospital construction projects.
    - Review, fee charged, §131E-267(e).
  - Secretary.
    - Administration and enforcement of chapter, §122C-111.
    - Cooperation between secretary and other agencies, §122C-113(a) to (b1).
      - Rules and regulations, §122C-113(c).
    - Duties generally, §122C-112.1(a).
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    - Rules and regulations, §122C-113(c).
  - State plan, §122C-102.
- **Deposition of patient receiving care in institution or hospital,** §1A-1 Rule 30(a).
  - Reading deposition on trial, §8-83.
  - Written questions, §1A-1 Rule 31(a).
- **Detainers.**
  - Mandatory disposition of detainers.
    - Exception as to prisoners who are mentally ill, §15-10.4.
- **Detoxification facility.**
  - Inability of individual to pay.
    - Denial of admission solely based on prohibited, §122C-23(i).
- **Disability of attorney proceedings.**
  - See ATTORNEYS AT LAW.
- **Discharge from facility.**
  - Developmentally disabled adult or minor, §122C-242.
  - Incompetent adults, §122C-233.
  - Involuntarily committed individuals.
    - Rehearings, ordering.
      - Inpatient respondent not insanity acquitee, §122C-276(a), (e), (f).

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

**Discharge from facility** —Cont'd
- Involuntarily committed individuals —Cont'd
  - Rehearings, ordering —Cont'd
    - Outpatient committed individual, §122C-275(a), (c).
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  - Developmentally disabled, §122C-242.
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  - Disposition at rehearing, §122C-292(b), (c).
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- Reports to joint legislative oversight committee, §120-243.

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- Custody.
  - Persons incapable of self-support upon reaching majority, §50-13.8.
- Incurable insanity.
  - Grounds for absolute divorce, §50-5.1.

**Drivers' licenses.**
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- Revocation or suspension.
  - Mental incompetents, alcoholics and habitual user of narcotic drugs, §20-17.1.
- When license may be issued, §20-9(g).

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- Incapacity or incompetence of principal.
  - Generally, §§32A-8 to 32A-14.
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**Enforcement of chapter.**
- Secretary of department of health and human services, §122C-111.

**Escape.**
- Assisting client to leave facility without authority, §122C-65(a), (b).
- Discharge of clients who escape or breach conditions of release, §122C-205.1(a), (b), (d).
  - Notice, §122C-205.1(c).
- Involuntary commitment.
  - Commission of criminal offense, §122C-254(a) to (d).
- Notice of discharge of clients who escape or breach conditions of release, §122C-205.1(c).
- Notice of escape or breach of conditional release, §122C-205(d).
- Return of clients to treatment facilities, §122C-205(a) to (c).

**Evidence.**
- Liability insurance purchased by area authority.
  - Existence not mentioned in front of jury, §122C-152(f).
- Remote testimony for persons with developmental disability or mental retardation.
  - Civil cases and special proceedings, §8C-1 Rule 616.
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**Executors and administrators.**
- Persons disqualified to serve, §28A-4-2.

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- Administrative fines, §122C-24.1.
  - Collection by civil action, §122C-24.1(h).
  - Contest of fine, §122C-24.1(f).
  - Criteria for determining fine, §122C-24.1(c).
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**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

**Facility licensing** —Cont'd
- Administrative fines —Cont'd
  - Findings of fact required for imposition, §122C-24.1(d).
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  - Contesting penalty imposed, §122C-24.1(f).
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- Classification violations, §122C-24.1(a).
- Commission's powers, §122C-26.
- Complaint hotline number, posting, §122C-25(d).
- Condition of facility detrimental to health and safety of clients.
  - Suspension of new admissions, §122C-23(g).
- Confidentiality, §122C-25(b).
  - Peer review and quality assurance committees' records and materials, §122C-30.
- Coordination with local management entities.
  - Residential treatment facilities, §122C-23.1.
- Deemed licensed.
  - Certification by nationally recognized agencies, §122C-22(b).
- Denial, suspension, amendment or revocation of license, §122C-24(a).
  - Appeals, §122C-24.
  - Proposal for decision, §122C-24(b).
- Department of health and human services.
  - Powers of secretary of department, §122C-27.
- Exclusions from licensure, §122C-22(a).
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  - Rules and regulations, §122C-25(c).
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- Maintenance and operation of facilities.
  - Purpose of article, §122C-21.
- Medicaid home or community based services or other medicaid services providers.
  - Criteria for issuing new license to, §122C-23(e1).
  - Denial of license or enrollment, §122C-23(e3).
  - Enrollment, §122C-23(e2).
- Nonrefundable annual base license fee, §122C-23(h).
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- On-site inspection.
  - Refusal to permit, §122C-24.1(e).
- Outstanding fines, effect of, §122C-24.1(k).
- Peer review committees.
  - Confidentiality of records and materials, §122C-30.
  - Limitation on member's liability, §122C-30.
- Penalties, §122C-28.
- Posting of complaint hotline number.
  - Residential treatment facilities, §122C-25(d).
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- Provisional licenses, §122C-23(e).
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**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd
**Facility licensing** —Cont'd
  Quality assurance committees.
    Confidentiality of records and materials, §122C-30.
  Remittance of fines, §122C-24.1(j).
  Required, §122C-23(a).
  Rules and regulations.
    Inspections, §122C-25(c).
  Suspension of new admissions.
    Condition of facility detrimental to health and safety of clients, §122C-23(g).
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**Fiduciaries.**
  Payments to or for incompetents, §32-27.
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  Ammunition.
    Furnishing to inmates of mental institutions, §14-258.1(a).
  Concealed handgun permit.
    Carrying concealed handgun while consuming alcohol or controlled substances prohibited, §14-415.11(c).
    Disclosure of records regarding mental health and capacity, §14-415.14(c).
    Eligibility upon restoration of rights, §14-415.12(c).
    Grounds for denial of permit, §14-415.12(b).
    Release of records concerning mental health submitted with application, §14-415.13(a).
    Restoration process to remove bar due to mental commitment, §122C-54.1.
  Furnishing deadly weapons to inmates of mental institutions, §14-258.1(a).
  Possession by person acquitted of felony by reason of insanity.
    Prohibition, §14-415.3(a), (b).
  Possession by person charged with felony but incompetent to stand trial.
    Prohibition, §14-415.3(a), (b).
  Restoration process to remove bar due to mental commitment.
    Burden of proof, §122C-54.1(c).
    Decision of court, §122C-54.1(c).
    Filing and receipt of petition, §122C-54.1(b).
    Granting of petition, §122C-54.1(d).
    Hearing procedure, §122C-54.1(c).
    Order to be forwarded to NICS, §122C-54.1(d).
    Petition by individual, §122C-54.1(a).
    Waiting period following denial, §122C-54.1(c).
  Weapons of mass destruction.
    Possession by person acquitted of felony by reason of insanity.
      Prohibition, §14-415.3(a), (b).
    Possession by person charged with felony but incompetent to stand trial.
      Prohibition, §14-415.3(a), (b).
**Gifts.**
  Declaring trust irrevocable and making gift of life interest.
    Approval of judge of superior court, §35A-1350.
      Prerequisites, §35A-1351.
    Authorization of declaration and gift, §35A-1350.
    Legatees and devisees.
      Who deemed specific and residuary legatees and devisees of incompetent, §35A-1352.

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE**—Cont'd
**Gifts** —Cont'd
  Declaring trust irrevocable and making gift of life interest —Cont'd
    Minors.
      Notice to minors, §35A-1353.
    Objections to proposed declaration and gift, §35A-1354.
    Prerequisites to approval of gift, §35A-1351.
    Previously made gifts, §35A-1354.
    State departments and agencies, §35A-1350.
    Validity of declaration and gift, §§35A-1338, 35A-1355.
  From income for certain purposes.
    Approval of judge of superior court, §35A-1335.
      Fact that incompetent had not previously made similar gifts, §35A-1337.
      Prerequisites to approval, §§35A-1336, 35A-1336.1.
    State departments and agencies.
      Gifts from income of incompetent to departments and agencies, §35A-1335.
    Validity of gift, §35A-1338.
  From principal for certain purposes.
    Approval of judge of superior court, §35A-1340.
      Fact that incompetent had previously made similar gifts, §35A-1344.
      Prerequisites to approval, §§35A-1341, 35A-1341.1.
    Legatees and devisees.
      Fact that incompetent had previously made similar gifts, §35A-1344.
      Notice to minors and incompetents, §35A-1343.
      Objections to proposed gift, §35A-1344.
      Who deemed specific and residuary legatees and devisees of incompetent, §35A-1342.
    Validity of gift, §35A-1345.
**Governor.**
  Succession to office of governor, §147-11.1(c).
**Group health benefit plans.**
  Mental illness benefits coverage, §58-3-220.
**Guardian ad litem,** §1A-1 Rule 17(b).
  Appointment procedure, §1A-1 Rule 17(c).
  Condemnation proceedings for highway projects.
    Appointment of guardian ad litem, §136-110.
  Generally.
    See GUARDIAN AD LITEM.
**Guardians.**
  Adults adjudicated incompetent.
    Mental health officials and employees as public guardians, §122C-122.
  Generally.
    See GUARDIAN AND WARD.
  Sterilization of mentally ill or retarded ward.
    Consent or approval of guardian of person, prohibition to give, §35A-1241(a).
    Medical necessity, procedure to permit, §35A-1245.
**Health care powers of attorney.**
  Advance instructions, §§122C-71 to 122C-77. See within this heading, "Advance instruction for mental health treatment."
  Generally, §§32A-15 to 32A-26.
    See HEALTH CARE POWERS OF ATTORNEY.
**Hiding client who has left facility without authority,** §122C-65(a), (b).
**Housing.**
  Fair housing, §§41A-1 to 41A-10.
    See FAIR HOUSING.

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

**Husband and wife.**
- Mortgage or sale of estates held by the entireties, §§35A-1310 to 35A-1314.
  - See HUSBAND AND WIFE.

**Immunities.**
- Advance instruction for mental health treatment.
  - Providing treatment in reliance on instruction, §122C-75(b).
- Consumer advocacy program, §122C-19.
- Disclosure of confidential or privileged information during inspection, §122C-192(b).
- Facilities, staff, physicians, etc., §122C-210.1.

**Income.**
- Gifts from income for certain purposes, §§35A-1335 to 35A-1338.
- Surplus income and advancements, §§35A-1321 to 35A-1330.

**Incompetence.**
- Determination of generally, §§35A-1101 to 35A-1116.
  - See INCOMPETENCY.
- Hospitalization and incompetency proceedings to have no effect on one another, §122C-203.

**Indigent persons.**
- Attorneys at law.
  - Appointment, §122C-270.
- Involuntary commitment.
  - Duty of assigned counsel.
    - Substance abusers, §122C-289.
  - Outpatient commitment.
    - Representation.
      - Counsel fees, §7A-451.1.

**Insurance and other moneys.**
- Receipt and disbursement of for incapacitated adults, §7A-111.

**Insurance proceeds belonging to incapacitated adult.**
- Payment to and receipt by clerks of superior courts or public guardians, §7A-111(b), (d).

**Interstate compact on mental health.**
- Administrator.
  - Cooperation with departments, agencies, etc., §122C-362.
  - Financial arrangements, §122C-364.
  - Rules promulgation, §122C-362.
  - Supplementary agreements, §122C-363.
- Articles of compact, §122C-361.
  - Transmittal of copies of articles, §122C-366.
- Clients.
  - Transfer of clients, §122C-365.
- Copies of part.
  - Transmittal of copies, §122C-366.
- Entered into by states, §122C-361.
- Financial arrangements, §122C-364.
- Form of compact, §122C-361.
- Rules and regulations.
  - Power of contract administrator to promulgate, §122C-362.
- Supplementary agreements, §122C-363.
- Transfer of clients, §122C-365.

**Intoxication.**
- Public intoxication, assistance to persons, commitment, §§122C-301 to 122C-303.

**Investigations.**
- Reports of abuse or exploitation.
  - Required, §122C-66(f).

**Involuntary commitment.**
- Administering medication and treatment.
  - Inpatient commitment, §122C-273(d).

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

**Involuntary commitment** —Cont'd
- Administering medication and treatment —Cont'd
  - Outpatient commitment, §122C-273(a).
- Advance instruction for mental health treatment, effect, §32A-19(a1).
- Affidavit and petition before clerk or magistrate, §122C-261(a), (d).
  - Oath, §122C-261(d).
  - Substance abusers, §122C-281(a).
- Appeals.
  - District court hearing, §122C-272.
    - Substance abusers, §122C-288.
- Applicability of article, §122C-202.
- Appointment of counsel.
  - Substance abuser's commitment hearing, §122C-286(d).
- Attorneys at law.
  - Indigent persons.
    - Entitlement to services of counsel, §7A-451(a).
  - Representation of state's interest, §122C-268(b).
  - Right to counsel, §122C-268(d).
    - Substance abuser's commitment hearing, §122C-286(d).
  - Substance abusers.
    - Assigned counsel, §122C-289.
- Burden of proof.
  - Substance abuser's commitment hearing, §122C-286(h).
- Clerk of superior court.
  - Affidavit and petition before clerk, §122C-261(a).
    - Oath, §122C-261(d).
    - Substance abusers, §122C-281(a).
  - Custody order, §122C-261(b), (c).
    - Substance abusers, §122C-281(b), (c).
  - Duties, §122C-264.
    - Substance abusers, §122C-284.
  - Petition before clerk, §122C-261(a).
    - Substance abusers, §122C-281(a).
- Conditional release, §122C-277.
- Corruptly attempting commitment.
  - Civil liability, §122C-204.
- Crime committed after escape or while resident of facility.
  - Change in commitment status, notice to clerk of court, §122C-254(b).
  - Pretrial release, denial, §122C-254(a).
  - Return to facility.
    - Commitment not bar to criminal proceeding, §122C-254(b).
    - In lieu of pretrial release, §122C-254(a).
    - Prohibited for criminally processed individuals, §122C-254(c).
- Custody.
  - Taking respondent into custody, §122C-261(e).
    - Substance abusers, §122C-281(e).
- Custody order.
  - Issuance by clerk or magistrate, §122C-261(b), (c).
    - Substance abusers, §122C-281(b), (c).
- Dangerous to himself or others, §122C-201.
- Declaration of policy, §122C-201.
- Deposition of patient receiving care in institution or hospital, §1A-1 Rule 30(a).
  - Written questions, §1A-1 Rule 31(a).
- Designation of facilities, §122C-252.
- Detention prior to and after hearings, §122C-252.
- Discharge.
  - Conditional release, §122C-277(a).

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

**Involuntary commitment** —Cont'd

- Discharge —Cont'd
  - Insanity acquitee, §122C-277(b1).
  - Less restrictive modes of treatment, §122C-201.
  - Respondent committed as result of being charged with violent crime, §122C-277(b).
  - Single area portal respondents, §122C-277(c).
  - Substance abusers.
    - Disposition at rehearing, §122C-292(a), (c).
    - Disposition at supplemental hearing, §122C-291(b), (c).
  - Unconditional discharge, §122C-277(a).
- Dispositions by district court, §122C-271.
- Escape.
  - Crime committed after escape.
    - Bar to proceeding to trial, commitment not used as, §122C-254(b).
    - Change in commitment status, notice clerk of superior court, §122C-254(b).
    - Pretrial release, denial, §122C-254(a).
    - Return to facility in lieu of pretrial release, §122C-254(a).
    - Return to facility prohibited after processing, §122C-254(c).
  - Other escapees, handling, §122C-254(d).
- Evidence.
  - Substance abuser's commitment hearing, §122C-286(c).
- Examinations.
  - Information to be provided to respondent at completion of examination, §122C-263(g).
  - Qualified physician to examine respondent, §122C-263(a) to (e).
    - Determinations by physician, §122C-263(d).
    - Findings of physician, §122C-263(e).
    - Outpatient commitment, §122C-263(f).
    - Places for examination, §122C-263(a).
    - Procedure, §122C-263(c).
    - Telemedicine, examination by, §122C-263(c).
    - When examination not required, §122C-263(b).
    - Within 24 hours, §122C-263(c).
- Fees.
  - Private facilities or physicians, §122C-253.
- Guardian.
  - Payment of expenses out of estate, §122C-210.
- Hearings, §122C-268.
  - Admissible evidence, §122C-268(f).
  - Appeal from final judgment of court, §122C-272.
    - Substance abusers, §122C-288.
  - Calendar, notice, §122C-264(d1).
  - Closed hearing, §122C-268(h).
  - Commitment order, §122C-268(j).
  - Continuances, §122C-268(a).
    - Outpatient commitment, §122C-267(a).
  - Dispositions, §122C-271.
    - Respondents held in inpatient facility pending hearing, §122C-271(b).
    - Respondents meeting or failing to meet burden of proof, §122C-271(c).
    - Respondents released pending hearing, §122C-271(a).
    - Substance abusers, §122C-287.
  - Duty of assigned counsel.
    - Substance abusers, §122C-289.
  - Inpatient commitment.
    - Hearing following automatic commitment, §122C-268.1.
  - Location of hearing, §122C-268(g).

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

**Involuntary commitment** —Cont'd

- Hearings —Cont'd
  - Outpatient commitment.
    - Closed to public, §122C-267(f).
    - Continuances, §122C-267(a).
    - Evidence, §122C-267(c), (g).
    - Findings, §122C-267(h).
    - Location of hearing, §122C-267(e).
    - Presence of respondent, §122C-267(b).
    - Representation of respondent, §122C-267(d).
    - Time for hearing, §122C-267(a).
  - Rehearings.
    - Inpatient commitment.
      - Respondents other than insanity acquittees, §122C-276.
      - Respondents who are insanity acquittees, §122C-276.1.
    - Outpatient commitment, §122C-275.
    - Substance abusers, §122C-292.
  - Representation of state's interest, §122C-268(b).
  - Respondents charged with violent crime found not guilty by reason of insanity or incapable of proceeding, §122C-268(c).
    - District court hearing, §122C-268(c).
  - Respondent's right to counsel, §122C-268(d).
  - Substance abusers, §122C-286(a) to (h).
    - Location of hearing, §122C-286(e).
    - Notice to hold hearing, §122C-286.1(b).
    - Venue, §§122C-286.1(a), 122C-286(e).
  - Supplemental hearings.
    - District court hearing.
      - Outpatient commitment, §122C-274(a) to (f).
    - Outpatient commitment, §122C-274(a) to (f).
    - Substance abusers, §122C-291.
  - Transcripts, §122C-268(i).
  - Venue, §122C-269.
  - Waiving presence of respondent, §122C-268(e).
- Hospitalization and incompetency proceedings to have no effect on one another, §122C-203.
- Indigent persons.
  - Appointment of counsel.
    - Entitlement to services of counsel, §7A-451(a).
    - Substance abuser's commitment hearing, §122C-286(d).
- Inpatient commitment.
  - Administering medication and treatment, §122C-273(d).
  - Clerk of superior court, §122C-264(b), (f).
  - Continued need of commitment.
    - Respondent insanity acquitee, §122C-276.1(d).
    - Respondent other than insanity acquitees, §122C-276(a), (e), (f).
  - Discharge.
    - Respondent other than insanity acquitee, ordering, §122C-276(e).
  - District court hearings, §122C-268.
  - Examination and treatment pending hearing, §122C-266(a), (b), (d), (e).
    - Findings to be in writing, §122C-266(c).
  - Hearing following automatic commitment.
    - Burden of proof, §122C-268.1(i).
    - Documentary evidence.
      - Copies to be furnished to respondent, §122C-268.1(h).
    - Habeas corpus relief, §122C-268.1(j).
    - Medical records.
      - Admissibility, §122C-268.1(f).
    - Notice, §122C-268.1(c).

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

**Involuntary commitment** —Cont'd

- Inpatient commitment —Cont'd
  - Hearing following automatic commitment —Cont'd
    - Open to public, §122C-268.1(g).
    - Respondent's presence.
      - Waiver, §122C-268.1(e).
    - Respondent's representation, §122C-268.1(d).
    - State's interest.
      - Representation, §122C-268.1(b).
    - Time, §122C-268.1(a).
    - Venue, §122C-268.1(b).
  - Rehearings, respondent insanity acquitee.
    - Burden of proof on respondent, §122C-276.1(c).
    - Calendaring, §122C-276.1(a).
    - Continued inpatient commitment, order, subsequent hearing, §122C-276.1(d).
    - Procedure, law governing, §122C-276.1(b).
  - Rehearings, respondent not insanity acquitee.
    - Calendaring, §122C-276(a), (b).
    - Continued need for commitment, §122C-276(a), (e), (f).
    - Judge at hearing, §122C-276(c).
    - Notice and procedure, law governing, §122C-276(d).
    - Outpatient commitment, ordering, §122C-276(g).
    - Place of holding, §122C-276(c).
  - Respondents charged with violent crimes.
    - Disposition of persons found not guilty by reason of insanity or incapable of proceeding, §122C-266(b).
- Law-enforcement officers.
  - Duties, §122C-263.
    - Substance abusers, §122C-283.
- Magistrates.
  - Affidavit and petition before magistrate, §122C-261(a).
    - Oath, §122C-261(d).
    - Substance abusers, §122C-281(a).
  - Custody order, §122C-261(b), (c).
    - Substance abusers, §122C-281(b), (c).
  - Petition before magistrate, §122C-261(a).
    - Substance abusers, §122C-281(a).
- Medication and treatment, administering.
  - Inpatient commitment, §122C-273(d).
  - Outpatient commitment, §122C-273(a).
- Memorial hospital.
  - Use of psychiatric service of North Carolina memorial hospital, §122C-322(a), (b).
- Nonresidents, §122C-343.
- Notice of hearing, §122C-264(d1).
- Notice to district judge and district attorney, §122C-264(d).
- Notice to respondent, §122C-264(a) to (c).
  - Substance abusers, §122C-284(b).
- Orders.
  - Duties for follow-up on commitment order, §122C-273.
    - Substance abusers, §122C-290.
- Outpatient commitment.
  - Attorneys' fees for outpatient involuntary commitment proceedings, §7A-451.1.
  - Continued commitment.
    - Notice to clerk, ordering, §122C-275(a), (c).
  - Court review, §122C-264(b1).
  - Discharge.
    - Notice to clerk, ordering, §122C-275(a), (c).

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

**Involuntary commitment** —Cont'd

- Outpatient commitment —Cont'd
  - Dispositions by district court, §122C-271.
  - District court hearings, §122C-267.
  - Duties of examining physician, §122C-263(f).
  - Duties of superior court clerk, §122C-264(a), (e).
  - Examination and treatment pending hearing, §122C-265.
    - Commencement of inpatient commitment proceedings, §122C-265(e), (f).
    - Medication and treatment, §122C-265(b).
    - Rights of respondents relating to medication or detention, §122C-265(c).
    - Taking respondent into custody, §122C-265(a).
    - Termination of proceedings, §122C-265(d).
  - Hearings.
    - District court, §122C-267.
    - Rehearings, §122C-275.
    - Supplemental hearings, §122C-274(a) to (f).
  - Indigent persons.
    - Counsel fees, §7A-451.1.
  - List, §122C-264(e).
  - Prescribing and administering outpatient treatment pursuant to order, §122C-273(a).
    - Danger to himself, respondent becoming, §122C-273(a).
    - Discharge from order.
      - Supplemental hearings, §122C-274(e).
    - Failure of respondent to comply with treatment, §122C-273(a).
      - Supplemental hearing, §122C-274(c).
    - Forcing medication, §122C-273(a).
    - Respondent move to another county, supplemental hearing, §§122C-273(b), 122C-274(d).
    - Respondent move to another state or unknown location, termination of order, §122C-273(c).
      - Supplemental hearing, §122C-274(d).
    - Supplemental hearings.
      - Calendar, notice, time for, procedure, §122C-274(a), (b).
      - Discharge from order, §122C-274(e).
      - Noncompliance with medication or treatment, §122C-274(c).
      - Respondent moving or intending to move, §122C-274(d).
      - Transfer from inpatient to outpatient commitment, §122C-274(f).
    - Termination of order, §122C-273(a).
    - Transfer from inpatient to outpatient commitment.
      - Supplemental hearings, §122C-274(f).
  - Rehearings.
    - Calendaring, time for, §122C-275(a).
    - Findings and order based on, §122C-275(c).
    - Notice and procedure, law governing, §122C-275(b).
  - Supplemental hearings, §122C-274(a) to (f).
- Parolees, §122C-311.
- Persons to be committed, §122C-201.
- Policy declaration, §122C-201.
- Prison inmate becoming mentally ill and dangerous to himself or others.
  - Commitment proceedings, §122C-313(a) to (e).
- Private facilities or physicians.
  - Liability for fees, §122C-253.
- Protection of constitutional rights, §122C-201.

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

- **Involuntary commitment** —Cont'd
  - Psychiatric service of North Carolina memorial hospital.
    - Use of facilities, §122C-322(a), (b).
  - Records.
    - Confidentiality of court records, §122C-207.
  - Rehearings.
    - Inpatient commitment, §122C-276.
      - Respondent insanity acquitees, §122C-276.1.
      - Respondent other than insanity acquitees, §122C-276.
    - Outpatient commitment, §122C-275.
    - Substance abusers, §122C-292.
  - Release and conditional release, §122C-277.
    - Substance abusers, §122C-293.
  - Report to NICS, §122C-54(d1).
  - Right to counsel.
    - Substance abuser's commitment hearing, §122C-286(d).
  - Single portal areas.
    - Acceptance of single portal area resident, §122C-261(f).
      - Substance abusers, §122C-281(f).
    - Release of respondent, §122C-277(c).
  - Special emergency procedure for persons needing immediate hospitalization, §122C-262.
    - Certificate of physician, §122C-262(b), (c).
    - Examination by second physician, §122C-262(e).
    - Mentally retarded individuals.
      - Restriction on admission to state facility for the mentally ill, §122C-262(d).
    - Substance abusers, §122C-282.
    - Who may transport individual directly to facility, §122C-262(a).
  - Subpoena to compel respondent's presence.
    - Substance abusers, §122C-286(b).
  - Substance abusers.
    - Affidavit and petition before magistrate, §122C-281(a).
    - Assignment of counsel by clerk, §122C-284(a).
    - Change of residence by respondent.
      - Notification, §122C-290(c), (d).
    - Clerks duties on receipt of findings, §122C-284(a).
    - Continued need for commitment.
      - Disposition at supplemental hearing, §122C-291(b), (c).
    - Custody order.
      - Issuance of order by clerk or magistrate, §122C-281(b), (c).
      - Order for respondent issuing, transportation necessary, §122C-284(c).
      - Taking respondent into custody, §122C-281(e).
    - Discharge, §122C-293.
      - Disposition at rehearing, §122C-292(a), (c).
      - Disposition at supplemental hearing, §122C-291(b), (c).
    - Examination after arrival at facility.
      - Time for, requirements, findings, disposition, §122C-285(a), (b).
    - Examination by physician or psychologist prior to commitment.
      - Copy of findings sent to clerk, §122C-283(e).
      - Determinations at conclusion of exam, §122C-283(d).
      - Included in exam, §122C-283(c).
      - Taking respondent without delay for, §122C-283(a).

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

- **Involuntary commitment** —Cont'd
  - Substance abusers —Cont'd
    - Examination by physician or psychologist prior to commitment —Cont'd
      - Temporary detention, examiner not available, §122C-283(a).
      - Time requirements for examining, §122C-283(c).
      - When not required, §122C-283(b).
    - Hearings, §122C-286.1(b).
      - Calendaring, duty of clerk, §122C-284(a), (d).
      - District court, §122C-286(a) to (h).
        - Appeal from final judgment of court, §122C-288.
        - Appointment of counsel for indigent, §122C-286(d).
        - Burden for supporting commitment order, §122C-286(h).
        - Closed to public, §122C-286(f).
        - Copies of previous reports and findings, admissibility, §122C-286(c).
        - Disposition, §122C-287.
        - Duty of assigned counsel, §122C-289.
        - Location of hearing, §122C-286(e).
        - Presence of respondent and others, §122C-286(b).
        - Rehearings, §122C-292.
        - Representation by counsel, §122C-286(d).
        - Subpoena to compel respondent presence, §122C-286(b).
        - Supplemental hearings, §122C-291.
        - Time for after taking into custody, §122C-286(a).
        - Transcript and evidence furnished respondent, §122C-286(g).
        - Venue, §§122C-286.1(a), 122C-286(e).
    - Holding and treating.
      - Recommendations after second exam, §122C-285(a).
    - Intoxication in public.
      - Individual known to be substance abuser, §122C-301(d).
      - Officer detaining committing individual, §122C-301(a).
    - Law enforcement officer.
      - Examination at area facility, duty to take individual for, §122C-283(a).
        - When examination not required, §122C-283(b).
      - Temporary detention, physician not available to examine, §122C-283(a).
    - Local plans, §122C-294.
    - Notice to respondent that commitment recommended, §122C-284(a), (b).
    - Orders.
      - Duties for follow-up on commitment order, §122C-290.
    - Outpatient treatment, §122C-290(a).
      - Failure to comply with treatment.
        - Transportation to 24-hour facility, §122C-290(b).
    - Rehearings.
      - Calendaring, §122C-292(a).
      - Disposition, §122C-292(c).
      - Procedures, §122C-292(b).
    - Release, §122C-293.
      - Recommendations after second exam, §122C-285(a).

**MENTAL HEALTH, DEVELOPMENTAL DISABILITY, SUBSTANCE ABUSE** —Cont'd

**Involuntary commitment** —Cont'd
- Substance abusers —Cont'd
  - Supplemental hearings.
    - Application for, §122C-291(d).
    - Calendaring, notice, time for, §122C-291(a).
    - Dispositions at hearing, §122C-291(b), (c).
    - Procedures, §122C-291(a).
  - Violent individuals.
    - Special emergency procedures, §122C-282.
- Taking respondent into custody, §122C-261(e).
  - Substance abusers, §122C-281(e).
- Transportation.
  - Accompanied by attendant of same sex or member of family, §122C-251(d).
  - By family, §122C-251(f).
  - Costs, §122C-251(h).
  - Duty of city or county to provide, §122C-251(a) to (c).
  - Plans, §122C-251(g).
  - Use of restraints, §122C-251(e).
- Venue of hearing when respondent held pending hearing, §122C-269(a).
  - Notice of determination to hold pending hearing, §122C-269(b).
  - Substance abusers, §§122C-286.1(a), 122C-286(e).
- Venue of initial hearing, §122C-269(c).
- Veterans.
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  Insignia.
    Operating vehicle resembling law enforcement vehicle, §20-137.2(b).
  Justice academy.
    Violation of traffic ordinances, §17D-4(f).
  Law enforcement, fire department or rescue squad vehicles.
    Approach by motorists.
      Violations, §20-157(h).
  License plates. See within this heading, "License plates."
  Licenses, §20-35(a).
    Driving while license suspended or revoked, §20-28(a).
    Surrender of license.
      Refusal, §20-29.

**MISDEMEANORS** —Cont'd
**Motor vehicles** —Cont'd
- Lights.
  - Red or blue lights, §20-130.1(e).
    - Operating vehicle resembling law enforcement vehicle, §20-137.2(b).
- Manufacturer's certificate of origin.
  - Assignment with blank signature, §20-52.1(c).
- Manufacturers' licenses, §20-308.
- Manufacturers' serial or engine numbers.
  - Altering or changing numbers, §20-109(a), (b).
  - Prohibitions as to vehicles without numbers, §20-108(a).
- Mechanics' or storage liens.
  - Failure to report unclaimed vehicles, §20-77(d).
- Migrant farm workers.
  - Motor carriers, §20-215.4.
- Misdemeanor death by vehicle, §20-141.4(a2).
  - Punishment, §20-141.4(b).
- Nuclear fuel.
  - Transportation of spent nuclear fuel, §20-167.1(d).
- Odometers, §20-350.
- Open container law, §20-138.7(e).
- Operating a commercial vehicle after consuming alcohol, §20-138.2A(c).
- Operating a school bus, school activity bus, or child care vehicle after consuming alcohol, §20-138.2B(c).
- Ownership documents.
  - Failure to surrender, §20-45(b).
- Passing vehicles.
  - Overtaken vehicle not giving way to right in favor of overtaking vehicle, §20-149(b).
- Peace officers.
  - Rights of misdemeanor arrestee, §20-114(a).
- Pedestrians.
  - Standing, sitting or lying upon highways or streets, §20-174.1(b).
- Penalty not specified, §20-176.
- Preparation to commit breaking and entering.
  - Master key, manipulative key or other lock-picking device or hot wiring device.
    - Possession, buying, selling, transferring, §14-56.4(d).
- Private lots.
  - Unauthorized vehicles, §20-219.2(b).
- Racing on streets and highways, §20-141.3(a) to (c).
- Reckless driving, §20-140(d).
  - Commercial motor vehicle carrying a load, §20-140(f).
- Safety or emissions inspections.
  - Performing without license, §20-183.8(b1).
- Salvage vehicles.
  - Certificate of title violations, §20-109.1(f).
- School buses.
  - Passing stopped school bus, §20-217.
- Secondary metals recyclers and salvage yards.
  - Purchase of vehicles without title certificate for scrap and parts only.
    - Violations, §20-62.1(c).
- Serial numbers.
  - Vehicles without manufacturer's numbers, §20-108(a).
- Special identification card for nonoperators.
  - Fraud or misrepresentation in application, §20-37.7(e).
  - Fraudulent use, §20-37.8(c).
- Special permits for excessive size or weight.
  - Violations of terms and conditions, §20-119(a), (d).

**MISDEMEANORS** —Cont'd
**Motor vehicles** —Cont'd
- Speed.
  - Commercial motor vehicle carrying a load, §20-141(j3).
- Stolen vehicles.
  - False report of theft or conversion, §20-102.1.
- Sublease and loan assumption arranging, §20-106.2(e).
- Tampering with vehicle, §20-107(a).
- Tandem trailers and subtrailer.
  - Load limitation violations, §20-115.1(i).
- Transfer of title or interest.
  - Application.
    - False statement, §20-74.
- Truck routes.
  - Designation violation, §20-116(h).
- Trucks.
  - Flat trucks.
    - Operation on state highways, §20-120.
  - Tobacco.
    - Hauling leaf tobacco in barrels or hogsheads, §20-120.
- Unclaimed vehicles.
  - Failure to report, §20-77(d).
- Vehicles resembling law enforcement vehicles.
  - Operation, §20-137.2(b).
- Weighing or removing overload from vehicle.
  - Refusal to permit law enforcement officer, §20-118.1.
- Weight of vehicles and loads.
  - Excessive size or weight.
    - Violations of special permit terms and condition, §20-119(a), (d).

**Motor vehicle safety or emissions inspections.**
- Performing without license, §20-183.8(b1).

**Motor vehicle taxes.**
- Classified motor vehicles.
  - Criminal penalty for evasion of taxes, §105-330.3(d).

**Municipalities.**
- Building inspection certificates of compliance, §160A-423.
- Building inspection department members.
  - Failure to perform duties, §160A-416.
- Building inspector stop order violations, §160A-421(b).
- Building permit violations, §160A-417(a).
- False swearing at investigation by council, §160A-80(b).
- Local ordinance violations, §153A-123.
- Notice of unsafe building.
  - Removal, §160A-427.
- Ordinance violations, §160A-175(b).
- Personnel records.
  - Knowingly, willfully and with malice permitting access to, §160A-168(e).
  - Removing or copying confidential personnel files, §160A-168(f).
- Subdivisions.
  - Transferring lots in unapproved subdivisions, §160A-375(a).
- Taxation.
  - Disclosure of information, §160A-208.1(b).
- Vehicle used on foreshore, beach strand and barrier dune systems.
  - Ordinance violations, §160A-308.
- Zoning boards of adjustment.
  - Swearing falsely before, §160A-388(g).

**Mutual burial associations.**
- Accepting application without collecting membership fee or assessment, §90-210.91.

MISDEMEANORS —Cont'd

- **Mutual burial associations** —Cont'd
  - False entries on books of association, §90-210.90.
  - False or fraudulent statement or representation, §90-210.97.
  - Free services, failure to assess, §90-210.93.
  - Operating without authority of board, §90-210.84.
  - Operation in noncompliance with bylaws, §90-210.88.
  - Wrongfully inducing change in membership, §90-210.89.
- **Navigable waters.**
  - Garbage and trash.
    - Depositing, §76-40(a).
  - Medical waste.
    - Depositing, §76-40(a1).
  - Structures erected on floor of navigable waters.
    - Erection without permit, §76-40(b).
    - Failure to remove abandoned structure, §76-40(c).
- **Neighborhood crime watch programs.**
  - Harassment of participant, §14-226.2.
- **911 system.**
  - Misuse of system, §14-111.4.
- **Nonprofit corporations.**
  - Failure to answer interrogatories, §55A-1-32(b).
- **North Carolina state flag.**
  - Desecration, §14-381.
- **Notaries public,** §10B-60(b), (c).
- **Nurses,** §90-171.45.
- **Nursing home administrators,** §90-288.
- **Nursing home licensure.**
  - Inspection violations, §131E-109(b).
  - Prohibited acts, §131E-109(d).
  - Unlicensed operation, §131E-109(a).
- **Nursing pools.**
  - Unauthorized disclosure of inspection information, §131E-154.8(b).
- **Obscenity.**
  - Coercing acceptance of obscene materials or publications, §14-190.4.
  - Displaying material harmful to minors, §14-190.14(b).
  - Disseminating harmful material to minors, §14-190.15(d).
  - Exhibiting harmful performances to minors, §14-190.15(d).
  - Preparation of obscene photographs, slides and motion pictures, §14-190.5.
- **Obstructing justice generally.**
  - See OBSTRUCTING JUSTICE.
- **Obstruction of health care facilities,** §14-277.4(c).
- **Occupational safety and health,** §95-139(a) to (e).
- **Occupational therapists,** §90-270.79.
- **Office of information technology services.**
  - Procurement of information technology.
    - Unauthorized use of public purchase or contract procedures for private benefit, §147-33.98(c).
- **Oil and gas conservation,** §§113-380, 113-409.
  - Rerefined or reprocessed oil, §119-13.3.
- **Oil dispensing devices.**
  - Falsification of measures, §119-33.
- **Oil inspection violations,** §119-39.
- **Oil inspectors.**
  - Conflicts of interest, §119-25.
  - Failure or refusal to exhibit records to, §119-32.
- **Oil refining facility permit violations,** §143-215.102(b).

MISDEMEANORS —Cont'd

- **Oils.**
  - Lubricating oils, §§119-4, 119-13.
  - Rerefined or reprocessed oil, §119-13.3.
- **Oil terminal facilities,** §143-215.98.
- **Open container law,** §20-138.7(e).
- **Opticians.**
  - Engaging in practice without license, §90-252.
  - Licensee allowing unlicensed person to use certificate or license, §90-251.
  - Sale of flammable frames, §90-255.1.
- **Options.**
  - Failing to return rented property on which there is purchase option, §14-168.4(a).
- **Optometrists.**
  - Rules violations, §90-124.
  - Subpoenas of board of examiner.
    - Neglect or refusal to obey, §90-117.4.
  - Unauthorized practice, §90-118.11.
- **Ordinance violations,** §§14-4(a), 153A-123.
- **Outdoor advertising,** §136-135.
- **Paper currency machines.**
  - Burglary, §14-56.3.
- **Parking on public grounds.**
  - Rules violations, §143-340.
- **Parks and recreation.**
  - Concessions for operation of public service facilities in state forests and state parks, §113-35(d).
- **Parole.**
  - Automatic parole in absence of certain findings, §15A-1371(g).
- **Passing vehicles.**
  - Overtaken vehicle not giving way to right in favor of overtaking vehicle, §20-149(b).
- **Pawnbrokers,** §91A-11(a).
- **Peace officers.**
  - Motor vehicles.
    - Rights of misdemeanor arrestee, §20-114(a).
  - Unlawful arrest by officers from other states, §14-43.1.
- **Peddlers, itinerant merchants and specialty markets.**
  - Class 1 misdemeanors, §66-257(a).
  - Class 2 misdemeanors, §66-257(b).
  - Class 3 misdemeanors, §66-257(c).
  - Prohibited sales, §66-254.1.
- **Peeping into room occupied by another person,** §14-202.
- **Perjury.**
  - Military property sales facilities.
    - Application for permit, §127B-5.
- **Personal property.**
  - Security interest on personal property.
    - Fraudulent disposal of property, §14-114(a).
  - Trespass, §§14-160 to 14-163.1.
- **Personnel system.**
  - Political activities of employees.
    - Coercing employee to support or contribute to political candidate, committee or party, §§126-14, 126-14.1.
    - Restrictions, §126-13(b).
- **Pesticide applicators and consultants.**
  - Applying or combining prohibited substances, §143-458(e).
  - Reporting of shipments and volumes of pesticides.
    - Violations, §143-459.
- **Pesticide violations,** §143-469(a).
  - Applying or combining prohibited substances, §143-458(e).
  - Misuse of registered pesticide, §106-65.33(a).

**MISDEMEANORS** —Cont'd
**Pet shops.**
  Cruelty to animals, §19A-35.
  Unlicensed shops, §19A-33.
**Pharmacists and pharmacies,** §90-85.40.
**Physical therapists.**
  Unlicensed practice, §90-270.35.
**Physicians and surgeons.**
  Anatomic pathology services, billing for.
    Violations of provisions, §90-701(i).
  Limited volunteer license to practice.
    Violation of practice restriction, §90-12.1A(f).
  Medical school faculty.
    Unauthorized practice, §90-12.3(b).
  Practicing without license, §90-18(a).
  Special purpose license.
    Unauthorized practice, §90-12.2A(b).
**Pilots.**
  Acting as pilot without license, §76-47.
  Telescopes or spyglasses.
    Failure to have, §76-46.
**Pine needles or pine straw.**
  Posted property.
    Raking or removing without consent, §14-159.6(b).
**Plumbing, heating and fire sprinkler contractors,** §87-25.
**Podiatrists.**
  Anatomic pathology services, billing for.
    Violations of provisions, §90-701(i).
  Unlawful practice, §90-202.3.
**Police.**
  Unlawful arrest by officers from other states, §14-43.1.
**Pollution control.**
  Sedimentation pollution control act of 1973, §113A-64(b).
  Water pollution on lands used for dairy purposes, §14-382.
**Polysomnography.**
  Prohibited acts, §90-723(b).
**Portable smelters,** §66-173.
**Portable toilets or pumper trucks.**
  Larceny, destruction, defacement, vandalism, §14-86.2.
**Ports authority.**
  Parking regulation violations, §143B-461(c).
**Posted property.**
  Hunting, fishing or trapping on.
    Written consent not obtained, §14-159.6(a).
  Pine needles or pine straw.
    Raking or removing without consent, §14-159.6(b).
**Poultry and poultry products.**
  Hatcheries and chick dealers, §106-549.
  Quarantine and miscellaneous provisions, §106-307.6.
**Poultry products inspections.**
  Interference with enforcement, §106-549.59(c).
**Precious metal dealers,** §66-172.
  Copies of records filed with law enforcement.
    Unauthorized disclosure by public official or law enforcement employee, §66-169(e).
  Perjury in application for permit or exemption, §66-167.
  Portable smelters, §66-173.
**Pregnant women.**
  Injury to pregnant woman resulting in miscarriage or stillbirth, §14-18.2(c).
**Preneed funeral contracts and funds,** §90-210.70(b).
  Failure of person to obey subpoena, §90-210.69(b).

**MISDEMEANORS** —Cont'd
**Prison uniforms.**
  Prisoner not to be tried in.
    Violations by sheriff, jailer or other officer, §15-176.
**Private personnel services.**
  Operating without a license, §95-47.9(e).
  Operation without license, §95-47.9(e).
**Private protective services,** §74C-17(b).
**Probate and registration,** §47-32.2.
**Professional counselors,** §90-341.
**Property taxes.**
  Abstracts.
    False affirmation, §105-310.
  Attempting to evade or defeat taxes, §105-308.
  Classified motor vehicles.
    Criminal penalty for evasion of taxes, §105-330.3(d).
  County assessor.
    Disclosure of information, §105-296(h).
    Subpoenas of county assessor.
      Failure to appear, §105-296(g).
  Liens.
    Wrongful advertisement, §105-369(g).
  Listing of property.
    Failure to list, §105-308.
  Mobile homes.
    Tax permit violations, §105-316.6(a) to (d).
  Prepayments.
    Chief accounting officer.
      Failure to perform duties, §105-359(e).
  Public utilities.
    False reports, §105-334(b).
  Receipts.
    Delivery of tax receipts to collector.
      Failure to meet prerequisites, §105-352(d).
  Subpoenas of county board of equalization and review.
    Willful failure to obey, §105-322(g).
  Subpoenas of department of revenue.
    Failure to appear, §105-291(c).
  Subpoenas of property tax commission.
    Failure to obey, §105-290(d).
  Tax collectors.
    Failure to make settlement, §105-373(f).
  Wages.
    Attachment and garnishment.
      Prohibited acts, §105-368(i).
**Proprietary schools.**
  Operating without license or bond, §115D-96.
**Prostitution,** §14-208.
**Provider sponsored organizations,** §131E-307(b).
**Pseudoephedrine products.**
  Restrictions on sales, violations of, §90-113.56.
**Psychologists,** §90-270.17.
**Public buildings and grounds.**
  Disorderly conduct in and injury to, §143-345.2.
  Motor vehicle regulations and parking, §§143-340, 143-341.
  Regulation violations, §143-345.1.
**Public contracts.**
  Public officers or employees benefiting from public contracts, §14-234.
**Public lands.**
  Erection of piers on state lakes.
    Permit violations, §146-13.
  Trees and timber.
    Cutting before obtaining grant, §146-43.
**Public officers and employees,** §143-115.
  Acting as officer before qualifying, §14-229.

**MISDEMEANORS** —Cont'd
**Public officers and employees** —Cont'd
- Benefiting from public contracts, §14-234.
- Bribery by subordinates for appointment or retention, §128-4.
- Confidential information.
  - Misuse of confidential information, §14-234.1(b).
- Insurance committee, §58-31-60(d).
- Misconduct in public office, §§14-228 to 14-252.
  - See MISCONDUCT IN PUBLIC OFFICE.
- Political activities of employees.
  - Coercing employee to support or contribute to political candidate, committee or party, §§126-14, 126-14.1.
  - Restrictions, §126-13(b).
- Trust funds to be kept separate.
  - Violations to be reported, §128-12.

**Public records.**
- Cultural resources department.
  - Disposition of records at end of official's term, §132-4.
- Destruction, §121-5.
- Mutilation, larceny or destruction of public records, §14-76.
- Unauthorized removal or destruction, §132-3.
- Unlawful possession, §132-5.

**Public schools.**
- Confidentiality of certain records.
  - Disclosure, §115C-13.
- Contractors selling personally identifiable student information.
  - Criminal penalty, §115C-401.1(c).
- Criminal record checks of school personnel.
  - False information given by applicant, §115C-332(h).
- Fire prevention.
  - Liability for failure to perform duties imposed, §115C-525(c).

**Public utilities.**
- Bribery.
  - Gifts to commission members, employees or public staff, §62-327.
- Citizens band radio equipment.
  - Unauthorized use, §62-328.
- Rebates, §62-318.
- Records.
  - Refusal to permit utility commission to inspect, §62-313.
- Reports.
  - Failure to file required reports, §62-326(b).
  - False information, §62-326(a).
- Willful injury to property of public utility, §62-323.

**Public works,** §133-4.
- Contractor gifts and favors.
  - Public officers and employees, §133-32(b).

**Punishment.**
- Classification, §14-3(a).
- Misdemeanor committed because of victim's race, color, religion, nationality, country of origin, §14-3(c).
- No specific classification and no specific punishment assigned, §14-3(a).
- Offense infamous, done in secrecy and malice or with deceit or intent to defraud.
  - No specific punishment prescribed, §14-3(b).

**Quo warranto.**
- Official papers.
  - Refusal to surrender by person against whom judgment rendered, §1-531.

**MISDEMEANORS** —Cont'd
**Race of victim, color of victim, religion of victim, nationality of victim, country of origin of victim.**
- Misdemeanor committed because of.
  - Punishment, §14-3(c).

**Racing motor vehicles on streets and highways,** §20-141.3(a) to (c).

**Railroads.**
- Cattle guards and crossings.
  - Failure to erect and maintain, §136-194.
- Impairment of operation of railroads, §14-279.1.
- Intoxicated person boarding train after being forbidden by conductor, §136-197.
- Obstructing highways.
  - Failure to put crossing in safe condition after notice, §136-192(c).
- Operating trains, §14-281.
- Riding on train unlawfully, §§14-460, 62-319.
- Switch-lock keys.
  - Unauthorized manufacture or sale, §§14-461, 62-322.

**Real estate appraisers.**
- Practicing without license or certificate, §93E-1-13.

**Real estate brokers and salespersons,** §93A-8.

**Real property.**
- Criminal trespass, §§14-127 to 14-165.
  - See TRESPASS.
- Furnishing false statements in connection with improvements, §44A-24.

**Rebirthing technique.**
- Practicing, §14-401.21(b).

**Receiving stolen goods,** §14-73.1.

**Records and tapes,** §14-437(a).

**Refrigeration contractors,** §87-61.

**Registers of deeds.**
- Failure to discharge duties, §161-27.

**Registration of military discharges.**
- Forgery or alteration of discharge certificate, §47-112.

**Registration of voters.**
- Application forms, §163-82.6(a1).

**Religious discrimination.**
- Offenses committed because of victim's religion, §14-3(c).

**Rental referral agencies.**
- Bond or trust account requirements, §66-145(d).

**Rental vehicles.**
- Insurance violations, §20-284.

**Reptiles.**
- Regulated reptiles.
  - Violation of article, §14-422.

**Retirement system for counties, cities and towns,** §§128-28, 128-32.
- Confidentiality of information, §128-28(q).

**Retirement system for teachers and state employees.**
- Confidentiality of certain information concerning members, §135-6(p).
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**Riots and civil disorders.**
- Failure to disperse when commanded, §14-288.5.
- Generally, §§14-288.1 to 14-288.20.
  - See RIOTS AND CIVIL DISORDERS.

**Rivers or creeks.**
- Obstructing natural flow, §77-13.
- Obstructing passage of boats, §77-12.
- Obstruction impeding natural drainage, §77-14.

**Sales and use tax.**
- Advertisement to absorb tax, §105-164.9.

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**Salvage of abandoned shipwrecks and other underwater archaeological sites,** §121-28.
**Salvage vehicle certificates of title,** §20-109.1(f).
**Salvia divinorum.**
- Manufacture, sale, delivery, possession, §14-401.23(c).

**Sanitary districts.**
- Noncompliance with board promulgated rules, §130A-55.
- Sewer line or disposal plant.
  - Connection or reconnection without permit, §130A-65.

**Savings banks,** §54C-79(b), (c).
- Examinations by commissioner of banks.
  - Prohibited acts in connection with, §54C-54(c), (d).
- Exceptions to criminal penalties, §54C-79(a).
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**School buses.**
- Passing stopped school bus, §20-217.
- Trespassing upon, damaging or impeding the progress of public school bus, §14-132.2.

**School employees.**
- Personnel files.
  - Inspection.
    - Confidential information in personnel file, §115C-321(c), (d).

**School of science and mathematics.**
- Nonattendance, §116-235(b).
- Traffic violations, §116-235(e).

**School personnel.**
- Sexual acts with victim who is student, §14-27.7(b).

**Secondary metals recyclers and salvage yards.**
- Motor vehicles purchased without title certificate.
  - Purchases for scrap and parts recovery only.
    - Violations, §20-62.1(c).

**Secrecy and malice.**
- Offenses committed in, punishment.
  - No specific punishment assigned, §14-3(b).

**Secretary of state.**
- Powers.
  - Business corporations, §55-1-30.

**Secret listening.**
- Conference between prisoner and attorney, §14-227.3.
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**Secretly peeping into room occupied by another person,** §14-202.
**Secret societies,** §14-12.15.
**Securities regulation.**
- Dealing in securities on commission, §14-401.7.

**Security agreements.**
- Filing false security agreements, §14-401.19.

**Security interest.**
- Fraudulent disposal of property on which there is security interest, §14-114(a).

**Seeds.**
- Board of crop seed improvement.
  - False certification of purebred crop seeds, §106-275.

**Sentencing.**
- Commitment to department of correction or local confinement facility, §15A-1352(a).
  - Facilitating work release arrangements, §15A-1352(d).
- Structured sentencing, §§15A-1340.20 to 15A-1340.23.

**Service agreement companies,** §66-372(j).

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**Service animals,** §168-4.5.
**Sex offenders.**
- Sex offender monitoring.
  - Failure to provide information to department, §14-208.44(c).

**Sexual battery,** §14-27.5A(b).
**Shellfish.**
- Cultivation of shellfish.
  - Privately leased, franchised or deeded shellfish bottom areas.
    - Taking without permission, §113-208(a).
- Leases for cultivation of shellfish.
  - Forms for determining amount of shellfish.
    - False statements, §113-202(o).
- Public piers beneath which clutch material deposited.
  - Taking shellfish within certain distance, §113-207(d).

**Sheriffs.**
- Commitment of prisoners to jail of adjoining county when jail unfit or insecure.
  - Failure to obey order of commitment, §162-38.
- Transfer of prisoners when jail destroyed.
  - Failure to obey order of commitment, §162-40.

**Shipwreck salvage,** §121-28.
**Shopping carts.**
- Removal from shopping premises, §14-72.3.

**Slot machines,** §14-309(a).
**Small business contractors.**
- False statements, §143B-472.112(c).

**Social services.**
- Food and nutrition services fraud.
  - Misrepresentations, §108A-53(a).
  - Presenting food and nutrition benefits known to be fraudulently obtained, §108A-53(b).
  - Receiving food and nutrition benefits for prohibited items, §108A-53(d).
  - Receiving food and nutrition benefits known to be fraudulently obtained, §108A-53(c).
- Listing of recipients, §108A-80(b), (c).
- Medical assistance program.
  - Conflicts of interest, §108A-65(b).
  - Fraud.
    - Recipients, §108A-64(c).
  - Property of patients, §108A-60(b).
  - Withholding of information, §108A-57(b).

**Social workers.**
- Certification and licensure violations, §90B-12.

**Soil and water conservation commission.**
- Refusing entry, resisting, delaying or obstructing employee or agent of commission, §143B-294(c).

**Soil scientists,** §89F-22.
**Solicitation of contributions.**
- Willful violations, §131F-22.

**Solicitation to commit misdemeanor.**
- Punishment for, §14-2.6(b).

**Solid waste management.**
- Disclosure of information received pursuant to article, §130A-304(b).
- Used oil.
  - Disposal at landfills, §130A-309.15(a).
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**Speech and language pathologists and audiologists,** §90-306.
**Speed.**
- Commercial motor vehicle carrying a load, §20-141(j3).

**Speeding to elude arrest,** §20-141.5(c).

**MISDEMEANORS** —Cont'd
**Sporting events.**
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- Security instrument.
  - Priority of security instrument, §45-82.

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**Drivers' licenses.**

- Limited driving privileges.
  - Conviction for excessive speeding.
    - Proof of financial responsibility for limited driving permits for first offenders, §20-16.1(g).
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  - Suspension of nonresident privileges, §20-279.13(a).
- Proof required for issuance, forms of proof, §20-7(c1).
- Provisional licenses.
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    - Proof required prior to restoration, §20-13.2(e).
- Revocation.
  - Appeals, §20-279.2.
  - Period of revocation.
    - Proof required on seeking to have license restored, §20-19(k).
  - Surrender of license, §20-279.30.
- Surrender of license, §20-279.30.
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- **Drivers' licenses** —Cont'd
  - Suspension —Cont'd
    - Licenses in other states, §20-279.8(c).
    - Nonpayment of judgments, §20-279.13(a).
      - Continuation of suspension until judgment satisfied, §20-279.14.
      - Default on installment payment, §20-279.16(c).
      - Exceptions, §20-279.13(b), (c).
    - Surrender of license, §20-279.30.
- **Effective date of provisions.**
  - Act of 1957, §20-319.
- **Evidence.**
  - Matters not to be evidence in civil suits, §20-279.11.
- **Exceptions to provisions,** §20-279.32.
  - Amounts, §20-279.5(b).
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  - Misdemeanor, §20-313.1(a).
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  - Misdemeanor, §20-313.1(b).
- **Federal vehicles.**
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  - Carrying of statement concerning perjury, §20-279.7A.
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  - Exceptions to suspension for nonpayment, §20-279.13(b), (c).
  - Installment payment, §20-279.16(a), (b).
    - Default, §20-279.16(c).
  - Nonpayment.
    - Report by court, §20-279.12.
    - Suspension for, §20-279.13.
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    - Defendant a nonresident, §20-279.12.
    - Suspension of nonresident privileges, §20-279.13(a).
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  - Satisfaction, §20-279.15.
    - Suspension for nonpayment to continue until judgment satisfied, §20-279.14.
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  - Correction of division records.
    - No lapse in owner's financial responsibility, §20-311(a).

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- **Lapse in financial responsibility** —Cont'd
  - Division hearings, §20-316.
  - Notice to owner, §20-311(a).
  - Penalty amount, §20-311(b).
  - Penalty and revocation of registration assessed, §20-311(a).
  - Penalty only assessed owner, §20-311(a).
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- **Limited driving privilege.**
  - Proof of financial responsibility, §20-179.3(l).
- **Military members deployed outside continental United States.**
  - Waiver of penalties or restoration fees, §20-311(g).
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  - False affidavit or knowingly swearing or affirming falsely, §20-279.31(c1).
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  - Forging proof of financial responsibility, §20-279.31(b).
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  - Operation of motor vehicle without financial responsibility, §20-313(a).
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- **Motor vehicle accidents.**
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  - Reports.
    - Matters not to be evidence in civil suits, §20-279.11.
- **Municipalities.**
  - Exception of article to vehicles owned by municipalities, §20-279.32.
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- Secondary metals recyclers and salvage yards.
  - Purchasing vehicles without certificate for recovery of scrap or parts only.
    - Confiscation of vehicles or tools used in illegal sale, §20-62.1(d).
    - Flattened, crushed, baled or logged vehicles.
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    - Records of purchase transactions.
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  - Cost of repairing exceeding fair market value.
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      - Inapplicability, §20-71.4(e).
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- Chemical analysis of impairing substances in blood.
  - Rights of person charged, §20-16.2(a).
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- **Insurance** —Cont'd
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    - Contest by obligor, §52C-5-506(b).
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  - Economic investment committee.
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    - Setting aside exempt property.
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  - Foreign judgments.
    - Filing.
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      - Filing by judgment debtors, §1C-1705(a).
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    - Judgment creditor to give notice of payment, §1-239(c).
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    - Motion to transfer.
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    - Contents, §1-339.15.
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- **Judicial standards commission.**
  - Decision of hearing panel, time, JudStdsComm Rule 24.
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  - Filing record of proceedings, JudStdsComm Rule 25.
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- **Labor.**
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  - Safety and health program.
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    - Surrender by lessee.
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  - Concealment of merchandise in mercantile establishments.
    - Detention of minors by merchants, agents or employees.
      - Notice to parent or guardian during period of detention, §§14-72.1(c), 14-72(d).
- **Laundries and dry cleaning establishments.**
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  - Memorandum of leases and options.
    - Memorandum as notice, §47-120.
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  - Claim or litigation to person answerable over, §25-2A-516.
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  - Delay or nondelivery, §25-2A-405(c).
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  - Revocation of acceptance of goods, §25-2A-517(4).
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- **Libraries.**
  - Withdrawal from interstate library compact, §125-17.
- **License taxes.**
  - Gasoline, §105-449.80.
- **Liens.**
  - Mechanics, laborers and materialmen dealing with owner.
    - Notice of action to enforce, §44A-13(c).

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**Liens** —Cont'd
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  - Determination notice, §57C-6-03(b).
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  - Known claims, §57C-6-07(b).
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  - Discontinuance, dismissal, etc., §57C-8-01(d).
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**Limited partnerships.**
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**Lis pendens,** §§1-116 to 1-120.2.
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**Livestock.**
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  - Service of quarantine and dipping notice, §106-357.
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  - Notice of sales, §106-408.
- Tuberculosis.
  - Owner of suspected animals to be notified, §106-342.

**Livestock diseases.**
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- Movement of diseased animals prohibited, §106-402.1(a).

**Lobbying.**
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**Local boards of education.**
- Claim or judgment against member or employee.
  - Payment by board.
    - Notice of claim or litigation prior to settlement or judgment required, §115C-43(c).

**Local government finance.**
- Bond issues.
  - Sale, §159-124.
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      - New notice of sale, §159-126.
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**Local government risk pools.**
- Local government intending to operate under provision, §58-23-5(e).

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**Low-level radioactive waste facilities.**
- County in which facility proposed to be located, §104E-10.1(c).

**Managing general insurance agents.**
- Entering into or terminating contracts.
  - Notification to commissioner, §58-34-2(i).

**Manufactured home manufacturers, dealers, salespersons or set-up contractors.**
- Licensure.
  - Delivery of notice to licensee, §143-143.11A(b).

**Manufactured homes.**
- Closure pursuant to court order.
  - Notice requirements, §42-14.3(b).
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  - Failure to notice, effect of, §42-14.3(a).
  - Notice requirements, §42-14.3(b).

**Marketing associations.**
- Meetings, §54-137.
  - Merger or consolidation.
    - Meeting for approving, §54-161(a).
  - Sale, lease or exchange of assets.
    - Meeting to consider, §54-165(a).
- Merger or consolidation.
  - Meeting to approve, §54-161(a).
  - Objecting members.
    - Notice of objection, §54-166(a).

**Meat and meat products.**
- Inspections.
  - Warning notices, §106-549.35(b).

**Medical board.**
- Investigative or complaint proceedings.
  - Release of confidential information to boards of other states, §90-16(k).

**Medical examiners.**
- Postmortem medicolegal examinations and services.
  - Notification concerning out-of-state body, §130A-384.
  - Notification of medical examiners of certain deaths, §130A-383(a).
    - Duties of medical examiners upon receipt of notice, §130A-385(a).

**Medicolegal guidelines for attorney-physician relationship.**
- Notice of trial, MLG Rule 5.

**Mental health, developmental disability, substance abuse.**
- Area authorities.
  - Judgments against agents, employees or board members.
    - Payment, §122C-153(c).
- Death of client, §122C-31(a).
- Declaring revocable trust irrevocable and making gift of incompetent's life interest.
  - Notice to minors and incompetents, §35A-1353.
- Escape or breach of conditional release by client, §122C-205(d).
  - Discharge of clients who escape or breach conditions of release, §122C-205.1(c).
- Hearings.
  - Substance abusers.
    - Notice to hold hearing, §122C-286.1(b).
- Voluntary admissions.
  - Facilities for the mentally ill and substance abusers.
    - Clerk of court notified, §122C-224(c).

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**Mental health, developmental disability, substance abuse** —Cont'd
- Voluntary admissions —Cont'd
  - Facilities for the mentally ill and substance abusers —Cont'd
    - Emergency admission to 24 hour facility, §122C-223(b), (d).
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**Metropolitan sewerage districts.**
- Creation of districts, §162A-66.
  - Hearings, §162A-66.
- Inclusion of additional political subdivision or unincorporated area, §162A-68(b), (e).

**Metropolitan water districts.**
- Creation of district, §162A-33.
- Inclusion of additional political subdivision or unincorporated area.
  - Hearing, §162A-35.

**Militia.**
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**Milk and milk products.**
- Distributors.
  - Liens on tangible and intangible assets of milk distributors.
    - Furnishing copy of statement of nonpayment to distributor constitutes notice of claim of lien, §44-69.3(c).

**Mines and minerals.**
- Mailing, §74-60.
- Reclamation.
  - Notice of deficiencies, §74-56(b).
- Safety and health.
  - Request for inspection.
    - Notice to commissioner or director, §74-24.7(f).

**Mismanagement of assistance, appointment of personal representative.**
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**Missing persons.**
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**Mobile homes.**
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  - Notification required, §143-151.4.

**Money transmitters.**
- License denial, §53-208.10(c).
- Licenses.
  - Change of control, §53-208.14.

**Mortgage debt collection and servicing.**
- Delinquency on loan, §45-91.

**Mortgages and deeds of trust.**
- Foreclosure.
  - Emergency program to reduce home foreclosures.
    - Pre-foreclosure notice for subprime loans, §45-102.
  - Recording, §45-38.
  - Subprime mortgage foreclosures.
    - Sale under power of sale, §45-21.16(c2).
      - Pre-foreclosure notice for subprime loans, §45-102.
  - Suspension of foreclosure proceedings, §45-21.16B.
- Postponement of sale.
  - Contents and form, §45-21.21(c).

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**Mortgages and deeds of trust** —Cont'd
- Reverse mortgage lenders.
  - Authorization.
    - Issuance of notice of authority, §53-258(d).
- Sale under power of sale.
  - Contents, §§45-21.16A(a), 45-21.16(c).
    - Residential property with less than 15 rental units, §45-21.16A(b).
    - Subprime mortgage foreclosures, §45-21.16(c2).
      - Certification with foreclosure filing, §45-107.
      - Pre-foreclosure notice for subprime loans, §45-102.
    - Validation of sales when provisions not complied with, §45-21.49.
  - Copies filed with clerk, §45-21.33(c).
  - Filing, §45-21.16(g).
  - Hearings, §45-21.16(a).
  - Manner of giving notice, §45-21.16(b).
  - Posting and publishing, §45-21.17.
    - Requests for copies of notice, §45-21.17A.
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  - Requests for copies of notice, §45-21.17A.
  - Subprime mortgage foreclosures, §45-21.16(c2).
    - Pre-foreclosure notice for subprime loans, §45-102.
      - Certification with foreclosure filing, §45-107.
  - Suspension of foreclosure proceedings, §45-21.16B.
  - Upset bid on real property, §45-21.27(e), (e1).
  - Validation of foreclosure sales where notice not provided, §45-21.45.
  - Validation of sales when provisions not complied with, §45-21.49.
  - Waiver of right to notice, §45-21.16(f).
  - Written confirmation from holder, §45-21.16(c1).
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    - Statements by interested parties.
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  - Plans for coverage of employees of political subdivisions.
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  - Notification to department of significant changes in compliance history, §130A-295.3(d).
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**Special education.**
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  - Testimony solely on issue of, §8C-1 Rule 702(a1).
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  - Disqualifications of expert by trial court.
    - Power not limited by section, §8C-1 Rule 702(g).
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